

# BARBERS

*Administrative Rules of the Texas Department of Licensing and Regulation  
16 Texas Administrative Code, Chapter 82  
(Effective January 15, 2018)*

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**82.1. Authority.** (Rule effective December 8, 2005, 31 TexReg 8075)

These rules are promulgated under the authority of the Texas Occupations Code Chapters 51, 1601 and 1603.

**82.10. Definitions.** (Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)

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, Chapters 1601 and 1603.
- (2) **Barber Establishment**--A barbershop, mini-barbershop, specialty shop, dual shop, mini-dual shop, mobile shop, or school that is subject to regulation under the Act.
- (3) **Barber Instructor**--A person authorized by the department to perform or offer instruction in any act or practice of barbering under Texas Occupations Code §1601.002.
- (4) **Barber School**--An entity that holds a permit issued under this chapter to teach the practice of barbering and that may be privately or publicly funded. The term includes a barber college.
- (5) **Barber Technician**--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1601.002(1)(C), (D), (F), and (G).
- (6) **Barber Technician/Manicurist**--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1601.002(1)(C) - (G).
- (7) **Barber Technician/Hair Weaver**--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1601.002(1)(C), (D), (G) and (H).
- (8) **Beard**--The beard extends from below the line of demarcation and includes all facial hair regardless of texture.
- (9) **Board**--The Advisory Board on Barbering.
- (10) **Booth Rental Permit**--A permit issued or renewed to an applicant the same time the applicant is issued one of the following license types: barber, barber instructor, specialty instructor, barber technician, manicurist, barber technician/manicurist, barber technician/hair weaver, or hair weaver; which allows the holder to lease space on the premises of a barber shop, specialty shop, mini-barbershop, dual shop, or mini-dual shop to engage in the practice of barbering as an independent contractor.
- (11) **Class A Barber**--A person authorized by the department to perform any act or practice of barbering under Texas Occupations Code §1601.002.
- (12) **Commission**--The Texas Commission of Licensing and Regulation.
- (13) **Common Area**--An area within a barbering establishment that contains equipment and facilities available for use by all persons who practice barbering on the premises under a license, certificate, or permit issued under this chapter.
- (14) **Department**--The Texas Department of Licensing and Regulation.
- (15) **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.

- (16) **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.
- (17) **Guest Presenter**--A person who possesses subject matter knowledge in a specific curriculum topic and who has the teaching ability necessary to impart the information to students. Instruction is limited to the presenter's area of expertise and a licensed instructor must be present during the classroom sessions in order for students to earn hours.
- (18) **Hair Relating to Haircutting**--The hair extending from the scalp of the head is recognized as the hair trimmed, shaped or cut in the process of hair cutting.
- (19) **Hair weaver**--A person who holds a Hair Weaving Specialty Certificate of Registration and who may perform only the practice of barbering as defined in Texas Occupations Code, §1601.002(1)(H).
- (20) **License**--A license, permit, certificate, or registration issued under the authority of the Act.
- (21) **License by reciprocity**--A process that permits a barber license holder from another jurisdiction or foreign country to obtain a Texas barber license without repeating barber education or examination license requirements.
- (22) **Line of Demarcation between "the hair" and "the beard"**--The demarcation boundary between scalp hair ("the hair") and facial hair ("the beard") is a horizontal line drawn from the bottom of the ear.
- (23) **Manicurist**--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1601.002(1)(E) and (F).
- (24) **Mini-Barbershop**--A barber establishment in which a person practices barbering 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 holding a mini-barber and mini-beauty shop license under Texas Occupations Code §1603.207.
- (26) **Mini-Barbershop Permittee**--A person or entity that holds a license for a mini-barbershop or mini-dual shop. The mini-barbershop permittee shall be responsible for rules under Texas Occupations Code, Chapters 1601, 1602, and 1603 and 16 TAC Chapters 82 and 83 for its mini-barbershop or mini-dual shop.
- (27) **Mobile Shop**--A barbershop, specialty shop, or dual shop that is operated in a self-contained, self-supporting, enclosed mobile unit.
- (28) **Provisional license**--A license that allows a person to practice barbering in Texas pending the department's approval or denial of that person's application for licensure by reciprocity.
- (29) **Self-Contained**--Containing within itself all that is necessary to be able to operate without connecting to outside utilities such as water and electricity.
- (30) **Sideburn**--Part of a haircut or style that is a continuation of the natural scalp hair growth, does not extend below the line of demarcation, and is not connected to any other bearded area on the face.
- (31) **Special Event**--Includes weddings, quinceaneras, pageants, proms, debutante balls, birthday parties, religious and cultural ceremonies, and on-stage performances.
- (32) **Specialty Instructor**--A person authorized by the department to perform or offer instruction in an act or practice of barbering limited to Texas Occupations Code §1601.002(1)(C) - (H).

- (33) **Specialty Shop**--A barber establishment in which only the practice of barbering as defined in Texas Occupations Code §1601.002(1)(E), (F), or (H) is performed.
- (34) **Student Permit**--A permit issued by the department to a student enrolled in barber school which states the student's name and the name of the school. A person holding an active student permit may shampoo and condition a person's hair in a facility licensed under Texas Occupations Code, Chapters 1601 and 1603.
- (35) **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.

**82.20. License Requirements--Individuals.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) To be eligible for a Class A Barber Certificate, Barber Instructor License, Barber Technician License, Manicurist License, Barber Technician/Manicurist License, Barber Technician/Hair Weaving License or Hair Weaving Specialty Certificate of Registration, an applicant must:
  - (1) submit the completed application on a department-approved form;
  - (2) pass the applicable examination;
  - (3) pay the fee required under §82.80; and
  - (4) meet other applicable requirements of the Act, this section, and the applicable curriculum set forth in §82.120.
- (b) To be eligible for a Student Permit, an applicant must:
  - (1) submit the completed application on a department-approved form;
  - (2) pay the fee required under §82.80; and
  - (3) meet other applicable requirements of the Act, this section and the applicable curriculum set forth in §82.120.
- (c) **Class A Barber Certificate**--To be eligible for a Class A barber certificate, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.253.
- (d) **Barber Instructor License** To be eligible for a Barber Instructor License, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.254.
- (e) **Barber Technician License**--To be eligible for a Barber Technician License, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.256.
- (f) **Manicurist License**--To be eligible for a Manicurist license, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.257.
- (g) **Hair Weaving Specialty Certificate of Registration**--To be eligible for a Hair Weaving Specialty Certificate of Registration, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.258.
- (h) **Student Permit**--To be eligible for a Student permit, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.260.
- (i) **Barber Technician/Manicurist Specialty License**--To be eligible for a Barber Technician/Manicurist Specialty License, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.262.

- (j) Barber Technician/Hair Weaving Specialty License--To be eligible for a Barber Technician/Hair Weaving Specialty License, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.263.
- (k) To be eligible for a Specialty Instructor License as a Manicurist Instructor, Barber Technician Instructor, Barber Technician/Manicurist Instructor, Barber Technician/Hair Weaving Instructor, or Hair Weaving Instructor, an applicant must:
  - (1) submit the completed application on a department-approved form;
  - (2) pay the fee required under §82.80;
  - (3) be at least 18 years of age;
  - (4) have a high school diploma or high school equivalency certificate;
  - (5) hold a current specialty license in the specialty or specialties in which the applicant is seeking licensure; and
    - (A) have completed a course consisting of 750 hours of instruction in barber courses and methods of teaching in a barber school; or
    - (B) have at least one year of licensed work experience in each of the specialties in which the applicant is seeking licensure; and
      - (i) have completed 500 hours of instruction in barber courses and methods of teaching in a barber school; or
      - (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
  - (6) pass a written and practical exam required under §82.21.

**82.21. License Requirements--Examinations.***(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective February 1, 2012, 37 TexReg 319; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758)*

- (a) To be eligible for a department examination, an applicant must:
  - (1) submit a completed license application on a department-approved form;
  - (2) pay the applicable license application fee under §82.80; and
  - (3) have completed the number of curriculum hours required by this chapter and the Act.
- (b) For a Class A barber certificate, a student enrolled in a 1,500 hour program is eligible to take the written examination when the department receives proof of completion of 1,000 curriculum hours. A student enrolled in a 1,000 hour program is eligible to take the written examination when the department receives proof of completion of 900 curriculum hours.
- (c) All department examinations consist of a written and practical part. A passing grade of 70 on each part is needed to satisfy the examination requirement.
- (d) Examinees must pass the written examination before being eligible to take the practical examination.

- (e) When appearing for an examination the examinee shall bring the instruments necessary to give a practical demonstration of the barbering services applicable to the license for which the examinee is applying.
- (f) The examinee shall provide a model, of 16 years of age or older, on whom to demonstrate the practical work. The department may require parental approval for models under 18 years of age.
- (g) 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.
- (h) Examinees are required to wear a smock or professional attire for the practical examination.
- (i) The department will notify an examinee if the examinee fails either the written or practical examination.
- (j) Any student or applicant having had a name change during his or her enrollment at any department licensed barber school must notify the department in writing prior to the date on which the student or applicant is scheduled to take any examination, written or practical.

**82.22. Permit Requirements--Barbershops, Specialty Shops, Dual Shops, Mini-Barbershops, Mini-Dual Shops, Mobile Shops, and Booth Rental.***(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) To be eligible for a Barbershop, Specialty Shop Permit, a Dual Shop or Mobile Shop License, Mini-Barbershop or Mini-Dual Shop Permit, or a Booth Rental Permit, an applicant must:
  - (1) submit the completed application on a department approved form;
  - (2) pay the fee required under §82.80; and
  - (3) meet other applicable requirements of the Act and this chapter.
- (b) Barbershop Permit--To be eligible for a barbershop permit, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.303.
- (c) Specialty Shop Permit--To be eligible for a Specialty Shop Permit, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.304 and §1601.305. The categories of Specialty Shop Permits issued by the department are: manicurist and hair weaving.
- (d) Dual Shop License--To be eligible for a Dual Shop License, an applicant must comply with the requirements of the Act, this chapter, Texas Occupations Code, Chapter 1602, and 16 TAC Chapter 83 for obtaining a beauty salon license and a barbershop permit.
- (e) Mini-Barbershop Permit--To be eligible for a Mini-Barbershop Permit, an applicant must meet the eligibility requirements set forth in Texas Occupations Code §1601.303 and §1603.207.
- (f) Mini-Dual Shop Permit--To be eligible for a Mini-Dual Shop Permit, an applicant must comply with the requirements of the Act, this chapter, Texas Occupations Code, Chapter 1602, and 16 TAC Chapter 83 for obtaining a beauty salon license and a barbershop permit.
- (g) Mobile Shop License--To be eligible for a Mobile Shop License, an applicant must:
  - (1) provide a permanent physical address from which the mobile unit is dispatched and to which the mobile 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 shop complies with the requirements of the Act and this chapter.

- (h) Booth Rental Permit--To be eligible for a booth rental permit, an applicant must hold a valid department-issued Class A barber certificate, barber technician license, barber technician/manicurist license, barber technician/hair weaving license, barber instructor license, specialty instructor license, manicurist license, or hair weaving specialty certificate of registration and meet the requirements of this section.

**82.23. Permit Requirements--Barber Schools.***(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective January 15, 2018, 43 TexReg 79)*

- (a) To be eligible for a Barber School Permit, an applicant must:
  - (1) submit the completed application on a department-approved form;
  - (2) pay the fee required under §82.80;
  - (3) satisfy the facility and equipment requirements of Texas Occupations Code §1601.353; and
  - (4) meet other applicable requirements of the Act and this chapter.
- (b) In addition to the eligibility requirements of subsection (a), a private barber school must also pay any required fee under §82.40 and provide adequate proof of financial responsibility.
- (c) A school must be inspected and approved by the department prior to the operation of the school.
- (d) Barber schools that offer instruction to persons seeking a certificate, license, or permit under this chapter must have and maintain at a minimum the following:
  - (1) a building of permanent construction that must include classroom and practical areas covered in a hard-surface floor covering of tile or other suitable material;
  - (2) access to permanent restrooms and adequate drinking fountain facilities; and
  - (3) adequate space, equipment, lighting, and instructional materials to provide quality classroom training to the number of students enrolled.
- (e) Barber schools must comply with all health and safety standards established by this chapter.

**82.26. License Requirements--Renewals.***(Rule effective December 8, 2005, 31 TexReg 8075; amended effective August 1, 2006, 31 TexReg 5947)*

To renew a license, permit, registration or certificate, an applicant must:

- (1) continue to meet the requirements for license, permit, registration or certificate issuance;
- (2) comply with other applicable requirements of the Act or these rules;
- (3) submit a completed renewal application on a form approved by the department; and
- (4) pay the applicable fee under §82.80.

**82.28. Reciprocity or Endorsement and Provisional Licensure.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective January 1, 2014, 38 TexReg 9518; amended effective January 1, 2016, 40 TexReg 8758)*

- (a) The examination requirement shall be waived for any person who completes the application for and payment of fees prescribed by the department for a certificate of registration, license, or permit and who submits satisfactory proof that he or she holds an active and valid certificate, license or permit from another state or country that has substantially equivalent licensing requirements to those of the State of Texas.
- (b) Applicant must:

- (1) submit a completed application on a department-approved form;
  - (2) pay the fee for license by reciprocity, the applicable license application fee, and the law and rules book fee, under §82.80;
  - (3) be at least 16 years of age and have at least a seventh grade education;
  - (4) furnish an active and valid license or certificate from the home licensing state or country; and
  - (5) provide one of the following:
    - (A) a letter from the licensing board in the home state, bearing its official seal of office, stating that the applicant's license is active, valid and in good standing; or
    - (B) if the applicant is from a territory or foreign country, provide documents verified by a certified credentialing agency confirming that the licensure in the territory or foreign country was obtained by standards substantially equivalent to those of Texas.
- (c) Texas requires 1,500 hours of training substantially equivalent to the Texas curriculum. If the applicant graduated in a state that required less than 1,500 hours, documented work experience may be substituted at the rate of 25 hours per month worked, up to a maximum of 500 hours, or the applicant must complete the balance of hours required in an approved Texas barber school.
- (d) The department may waive any license requirement, except for a license or certificate for a Class A Barber, Barber Technician, or Hair Weaver, 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 barber license by reciprocity.
- (f) To be eligible for a provisional license, an applicant must:
- (1) file a completed application for a Texas barber license by reciprocity;
  - (2) provide information sufficient for the department to verify the applicant's licensure in good standing, for at least two years immediately preceding the person's Texas application, in the same 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 under the Act, including passage of a national examination or other examination recognized by the commission relating to the practice of the profession.
- (g) A person issued a provisional license may perform those acts of barbering authorized by the provisional certificate or license pending the department's approval or denial of an applicant's license by reciprocity.
- (h) A provisional certificate or license is valid until the date the department approves or denies the application for licensure by reciprocity. The department must approve or deny a provisional certificate or license holder's application for a certificate or license by reciprocity not later than the 180<sup>th</sup> day after the date the provisional certificate or license is issued.
- (i) The department shall issue a certificate or license by reciprocity to the provisional certificate or license holder if the person is eligible to hold a certificate or license under the Act.
- (j) An applicant for licensure by reciprocity is eligible for a provisional certificate or license only once. A person who is denied licensure by reciprocity and subsequently reapplies for licensure by reciprocity is not eligible to obtain additional provisional certificates or licenses to practice barbering in Texas.



**82.29. Establishment Relocation, Change of Ownership, Owner Death or Incompetency.** *(Rule effective March 1, 2006, 31 TexReg 8075; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective January 15, 2018, 43 TexReg 79)*

- (a) Under the Act, a license is not transferable.
- (b) If a barber establishment relocates, the licensee must apply for a new barber establishment license and verify that the new establishment meets the requirements of the Act and this chapter. Additionally, a relocated school must be inspected prior to operation under the Act. The requirements of this subsection do not apply to mobile shops.
- (c) If an establishment changes ownership, the new owner must apply for a license within 30 days after the change of ownership. Additionally, a school must be inspected but may continue to operate prior to inspection. A change of ownership includes the following:
  - (1) For a sole proprietorship, the licensee no longer owns the establishment.
  - (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) The death or legal incompetency of the owner.

**82.31. Licenses--License Terms.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758)*

- (a) The following licenses issued under this chapter shall have a term of two years from the date of issuance:
  - (1) Class A Barber Certificate;
  - (2) Barber Instructor License
  - (3) Specialty License--Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving;
  - (4) Specialty Certificate of Registration--Hair Weaving;
  - (5) Specialty Instructor License-- Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving, Hair Weaving;
  - (6) Barbershop Permit;
  - (7) Mini-Barbershop Permit;
  - (8) Specialty Shop Permit;
  - (9) Dual Shop License;
  - (10) Mini-Dual Shop Permit;
  - (11) Mobile Shop License; and
  - (12) Booth Rental Permit.
- (b) A Barber School Permit issued under this chapter shall have a term of one year from the date of issuance.
- (c) A Student Permit issued under this chapter does not expire.

**82.40. Barber School Tuition Protection Account.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective October 11, 2007, 32 TexReg 7048; amended effective February 1, 2012, 37 TexReg 319; amended effective January 15, 2018, 43 TexReg 79)*

- (a) Pursuant to §1601.3571 of the Act, the Barber School Tuition Protection Account is created to refund unused tuition if a barber school ceases operation before its course of instruction is complete.
- (b) In each year in which the balance of the account is less than \$25,000 the department will determine a fee that shall be paid by all permitted barber 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 shall be in effect for a period of 12 months.
- (d) The fee shall be paid by each permitted barber school, upon annual renewal of the license during the 12-month period and 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 barber school permit shall pay the prescribed fee to the account before a permit will be issued.
- (f) The total payment of a claim from the account may not exceed \$2,500. The total amount of claims paid against a single closed school may not exceed \$5,000.
- (g) The executive director may authorize payment to a student from the account, if:
  - (1) the student makes a claim for payment on a form approved by the executive director;
  - (2) a closed barber school has failed to refund unused tuition to the student within 30 days after the date the student became eligible for the refund;
  - (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 barber school to the extent of the amount paid to the student from the account.
- (h) The department 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).
- (i) The department shall notify a closed barber 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 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.
- (j) If payment is made from the account on a claim against a closed barber school:
  - (1) the school 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 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 or to a student 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 shall be subrogated to all rights of the student against the barber school to the extent of the amount paid to the student; 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 barber school permit.

**82.50. Inspections--General.** *(Rule effective March 1, 2006, 31 TexReg 1279; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 15, 2018, 43 TexReg 79)*

- (a) Barber 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 barber establishment owners and managers on best practices for risk-reduction techniques.
- (b) Inspections shall be performed during the normal operating hours of the barber establishments. Except for initial inspections of barber schools, the department may conduct inspections under the Act and this chapter without advance notice.
- (c) The department inspector will contact the barber establishment owner, manager, or their representative upon arrival at the barber establishment, and before proceeding with the inspection.
- (d) The barber establishment owner, manager, or their representative shall cooperate with the inspector in the performance of the inspection.

**82.51. Initial Inspections--Inspection of Barber Schools Before Operation.** *(Rule effective March 1, 2006, 31 TexReg 1279; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048)*

- (a) Any new or relocated barber school must be inspected and approved by the department before it may operate. Additionally, a barber school that has changed ownership must be inspected and approved by the department, but may continue to operate prior to inspection.
- (b) The barber school owner shall request an initial inspection from the department and pay the fee required by §82.80. In order for the department to schedule the initial inspection in a timely manner, the initial inspection request and fee should be submitted to the department no later than forty five (45) calendar days prior to the opening date of the school.
- (c) Upon receipt of the owner's request and the fee, the department shall schedule the initial inspection date and notify the owner.
- (d) Upon completion of the initial inspection, the owner shall be advised in writing of the results. The inspection report will indicate whether the barber school meets or does not meet the minimum requirements of the Act and this chapter.
- (e) For barber schools that do not meet the minimum requirements, the report will reflect those minimum requirements that remain to be addressed by the owner.
- (f) A barber school that does not meet the minimum requirements on initial inspection must be reinspected. The barber school owner must submit the request for reinspection along with the fee required by §82.80, before the department will perform the reinspection.

**82.52. Periodic Inspections.** *(Rule effective March 1, 2006, 31 TexReg 1279; amended effective October 11, 2007, 32 TexReg 7048; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 15, 2018, 43 TexReg 79)*

- (a) Each barbershop, specialty shop, dual shop, mini-barbershop, and mini-dual shop shall be inspected at least once every two years. Each barber school shall be inspected at least twice per year.

- (b) The barbershop, specialty shop, dual shop, mini-barbershop, or mini-dual shop owner, manager, or their representative must, upon request, make available to the inspector the list required by §82.71(c) of all individuals who work in the shop.
- (c) 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.
- (d) 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 §82.54. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations, in accordance with §82.90.
- (e) Based on the results of the periodic inspection, a barber establishment found out of compliance may be reinspected.

**82.54. Corrective Modifications Following Inspection.** *(Rule effective March 1, 2006, 31 TexReg 1279; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 15, 2018, 43 TexReg 79)*

- (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 calendar 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 30 days of completion; and
  - (3) the department may grant an extension of time, 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 enforcement division for further action. The barber 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 §82.90.

**82.65. Advisory Board on Barbering.** *(Rule effective December 8, 2005, 31 TexReg 8075)*

- (a) The purpose of the Advisory Board on Barbering is to advise the commission and department on adopting rules, setting fees, and enforcing and administering these rules, and Texas Occupations Code Chapters 1601 and 1603, as applicable.
- (b) The board is composed of five persons as specified in the Texas Occupations Code Chapter 1601. 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.

**82.70. Responsibilities of Individuals.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) For purposes of this section, “licensed facility” means the premises of a place of business that holds a license, certificate, or permit under Texas Occupations Code, Chapters 1601, 1602 and 1603.
- (b) A 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) Only a permitted barber school, barbershop, mini-barbershop, specialty shop, dual shop, mini-dual shop, mobile shop, or a licensed barber may advertise as a "Barber."
- (d) License holders, including Class A barbers, barber instructors, barber technicians, barber technician/manicurists, barber technician/hair weavers, hair weavers, manicurists, and specialty instructors are responsible for compliance with the health and safety standards of this chapter.
- (e) 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 does not include lingerie or see-through fabric.
- (f) Licensees shall notify the department in writing of any name change within thirty days of the change.
- (g) Licensees shall maintain a current mailing address on file with the department and must notify the department within thirty days following any change of mailing address.
- (h) Barbers, manicurists, barber instructors, specialty instructors, barber technicians, barber technician/manicurists, barber technician/hair weavers, or hair weavers who lease space on the premises of a barbershop, dual shop, or specialty shop to engage in the practice of barbering as an independent contractor must hold a booth rental permit.

**82.71. Responsibilities of Barbershops, Specialty Shops, Dual Shops, Mini-Barbershops, and Mini-Dual Shops.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) The owner of a barbershop, dual shop, specialty shop, mini-barbershop, or mini-dual shop and the shop manager in whose name the shop permit is jointly issued, if different from the owner, shall both be responsible individually and jointly for ensuring that all persons who work in a shop are properly licensed at all times. Individuals who do not hold a current license and /or permit required by the department shall not be allowed to engage in barbering. Shop owners and shop managers commit an offense in violation of department rules if an individual with an expired license or permit or no license or no permit engages in barbering in a shop.
- (b) Shop owners and/or shop managers shall verify that all employees and independent contractors have current licenses and permits, as applicable.
- (c) The shop owner and/or shop manager shall maintain a current list of all individuals who work in a shop at the time of inspection including employees, independent contractors, and mini-barbershop and mini-dual

shop permittees who engage in barbering. The list must be made available to department representatives upon request and must contain the following information:

- (1) name of every person working in the shop including their license type, number, and license expiration date;
  - (2) whether the person is an employee or an independent contractor who engages in barbering; and
  - (3) license number and license expiration date of each mini-barbershop and mini-dual shop.
- (d) The mini-barbershop and mini-dual permittee must maintain a current list of all persons who work in a shop at the time of the inspection, including employees and independent contractors who engage in barbering, and which must include the name of each person working in the mini-barbershop or mini-dual shop, along with their license type number and expiration date. The list must be made available to department representatives upon request.
- (e) Each barbershop, dual shop, mini-barbershop and mini-dual shop may display a barber pole. This pole shall be the traditional red, white with the optional blue.
- (f) In addition, barbershops shall display on the exterior of the building or premises a sign containing the words "Barber Shop" or "Barber Salon" or any phrase containing the word "Barber".
- (g) Mini-barbershops must display on the exterior of the mini-barbershop premises a sign containing the words "Barber Shop" or "Barber Salon" or any phrase containing the word "Barber".
- (h) Food or drink must be disposed of in a closed container and the shop shall be separated by a solid wall and have a separate entrance if located in the same building with a restaurant or food preparation area. This rule will not apply to a licensed barbershop or specialty shop in a department store when the sale of food and drink is not immediately adjacent to the shop.
- (i) A shop shall provide for the use of individuals who work in the shop at least one sink, wash basin, or hand sanitizer for every three chairs or stations.
- (j) Only a permitted barber school, barbershop, mini-barbershop, dual shop, mini-dual shop, mobile shop or specialty shop or a licensed barber may advertise as a "Barber."
- (k) A shop is responsible for maintaining all common areas and for compliance with the health and safety standards of this chapter.
- (l) Alterations to the shop's floor plan must be in compliance with the requirements of the Act and this chapter.
- (m) A barber establishment shall display in the establishment, in a conspicuous place clearly visible to the public, a copy of the establishment's most recent inspection report issued by the department.
- (n) Shops may establish rules of operation and conduct, which may include rules relating to clothing which do not conflict with this chapter.
- (o) Shops shall notify the department in writing of any name change of the shop within thirty days of the change.
- (p) Shops shall maintain a current mailing address on file with the department and must notify the department within thirty days following any change of mailing address.
- (q) Hair weaving specialty shops shall provide the following equipment for each licensee present and providing services:
- (1) one work station;
  - (2) one styling chair;

- (3) a sufficient amount of shampoo bowls for licensees providing hair weaving services; and
  - (4) one chair dryer/handheld dryer for each three licensees providing hair weaving services.
- (r) Manicure specialty shops shall provide the following equipment for each licensee present and providing services;
- (1) one manicure table with light;
  - (2) one manicure stool; and
  - (3) one professional client chair for each manicure station.
- (s) Dual shops shall:
- (1) comply with all requirements of the Act and this chapter applicable to barbershops;
  - (2) comply with all requirements of Texas Occupations Code, Chapter 1602 and 16 TAC Chapter 83 applicable to beauty salons; and
  - (3) if the shop does not currently have employed or have a contract with at least one licensed barber (or cosmetologist) the owner must immediately display a prominent sign at the entrance and exit of the shop indicating that no barber (or cosmetologist) is available; and:
  - (4) 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:
    - (A) not place any new advertisement or display any sign or symbol indicating that the shop offers barbering (or cosmetology) services; and
    - (B) remove or obscure any existing sign or symbol indicating that the shop offers barbering (or cosmetology) services.
- (t) Mini-barbershops must comply with all requirements of the Act and this chapter applicable to mini-barbershops and Texas Occupations Code §1603.207.
- (u) Mini-dual shops must:
- (1) comply with all requirements of the Act and this chapter applicable to barbershops; and
  - (2) comply with all requirements of Texas Occupations Code, Chapter 1602, and 16 TAC Chapter 83 applicable to beauty shops; and
  - (3) comply with all the requirements for dual shops listed under subsection (s).
- (v) A person holding a barber shop, mini-barbershop, specialty shop, dual shop, mini-dual shop, or mobile shop license may employ a person who is not otherwise licensed by the department to shampoo or condition a person's hair.

**82.72. Responsibilities of Barber Schools.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective July 1, 2008, 33 TexReg 5003; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9518; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) If a barber school changes ownership, the new owner must apply for a new school permit, including the new permit fee, ten days prior to the change of ownership.
- (b) A new permit fee shall be required from a barber school that has changed ownership.

- (c) A barber school must have an appropriate number of chairs for the number of students enrolled.
- (d) The barber school must issue within seven days of enrollment each student his or her own textbook or books which shall contain all subjects referred to in Texas Occupations Code §1601.558. The department must approve each textbook or books before it may be used in the barber school curriculum.
- (e) Within 30 days of enrollment, a barber school shall furnish to or ensure that each student is equipped with his or her own personal tools which must include the following:
  - (1) one professional electric clipper of modern design;
  - (2) one neck duster;
  - (3) one barber shears;
  - (4) one thinning shears;
  - (5) one razor equipped with disposable blades;
  - (6) three barber combs;
  - (7) one styptic powder or liquid styptic;
  - (8) one tool kit (carrying kit);
  - (9) one hair styling brush;
  - (10) one neck clip;
  - (11) one can clipper oil;
  - (12) one hand held hair dryer; and
  - (13) one T-edger or outliner.
- (f) No student may take instruction or accrue hours for practical work unless he or she is equipped with the tools required in subsection (e).
- (g) Each barber school shall have:
  - (1) for each student in attendance on the practical floor, enrolled in a manicurist course outlined in §82.120, one complete manicure table, one complete set of manicuring implements for plain and sculptured nails, and one textbook with complete instructions;
  - (2) an adequate supply of permanent wave rods, and optional hair styling rollers;
  - (3) a minimum of two canvas-type wig blocks;
  - (4) two mannequins, one long-haired and one short-haired;
  - (5) a minimum of one wig, one hairpiece, and hair extensions for weaving;
  - (6) clock;
  - (7) bulletin board;
  - (8) chalk board or dry erase board;
  - (9) one hooded hair dryer;



- (10) fire extinguisher with current inspection report;
  - (11) instructor's desk in classroom; and
  - (12) if providing manicure or pedicure nail services, an autoclave, dry heat sterilizer or ultraviolet sanitizer.
- (h) A student instructor may instruct theory only if assisted by a person holding a barber instructor's license.
  - (i) A barber school shall submit each application for student permit in a manner prescribed by the department.
  - (j) Students must have a permit to attend barber school and are authorized to only practice barbering in that school.
  - (k) The school must attach a current student photograph to the school's portion of the permit and to the student's portion of the permit. No student permit is valid unless these photographs are attached.
  - (l) A barber school shall maintain one album displaying the school's portion of student permits, including affixed picture, of all enrolled students. The permits shall be in alphabetical order. No student may accrue hours for practical work or theory unless the student's permit is displayed in accordance with this subsection.
  - (m) Each barber school approved by the department shall include in its instruction the curricula approved by the department.
  - (n) No business other than the teaching and practicing of barbering can be operated on the premises of a barber school, with the exception of vending machines or retail products directly relating to hair care.
  - (o) A barber school 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 requirements set forth in §82.120 by limiting distance education to the maximum number of theory hours designated for each course type.
  - (p) Only a permitted barber school, barbershop, mini-barbershop, dual shop, mini-dual shop, mobile shop, or manicurist specialty shop or a licensed barber may advertise as a "Barber."
  - (q) Schools may establish rules of operation and conduct, which may include rules relating to student clothing, that do not conflict with this chapter.
  - (r) A student enrolled in a barber school must wear a clean uniform or smock during school hours.
  - (s) Barber schools are responsible for compliance with the health and safety standards of this chapter.
  - (t) Alterations to the school's floor plan must be in compliance with the requirements of the Act and this chapter.
  - (u) Barber schools shall notify the department in writing of any name change of the school within thirty days of the change.
  - (v) Barber schools shall maintain a current mailing address on file with the department and must notify the department not later than thirty days following any change of mailing address.
  - (w) At least one time per month, barber schools shall submit to the department an electronic record of each student's accrued hours, in a manner and format prescribed by the department. Delayed data submission(s) are permitted only upon department approval, and the department shall determine the period of time for which a school may delay the electronic submission of data on a case 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.

- (x) Schools changing from clock hours to credit hours or credit hours to clock hours must apply with the department for approval, on a department approved form, prior to making any changes. 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 hour or credit hour to clock hours and the department must periodically assess this equivalency conversion to ensure it is an acceptable industry standard.
- (y) A school shall maintain and have available for department and/or student inspection the monthly progress report required by Texas Occupations Code, §1601.561(a), documenting the daily attendance record of each student and number of credit hours earned. The school shall maintain the monthly progress report throughout the period of the student's enrollment and for 48 months after the student completes the curriculum, withdraws, or is terminated.
- (z) A barber establishment shall display in the establishment, in a conspicuous place clearly visible to the public, a copy of the establishment's most recent inspection report issued by the department.
- (aa) A barber school must have at least one instructor for every 25 students on the school's premises.
- (bb) 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.
- (cc) A barber school must ensure that guest presenters possess the necessary knowledge and teaching ability to present a curriculum topic and that a licensed instructor is present during the guest presenter's classroom instruction.
- (dd) A private barber school or post-secondary barber school may provide barber 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 barber program for purposes of the Act and department rules.

**82.73. Responsibilities of Students.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947)*

- (a) A student shall not engage in any act of dishonesty or misrepresentation relating to a student's hours accrued under this chapter.
- (b) The student is responsible for ensuring that the student's portion of a student permit is on display at all times during the student's enrollment at or near the student's work station. Students are responsible for compliance with the health and safety standards of this chapter.
- (c) Students shall maintain a current mailing address on file with the department and must notify the department not later than thirty days following any change of mailing address.

**82.74. Responsibilities--Withdrawal, Reentry, or Transfer of Student.** *(Rule effective August 1, 2005, 31 TexReg 5947)*

- (a) **Withdrawal.** Except for a documented leave of absence, schools 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 shall terminate a student who does not attend a barber curriculum for 30 days.
- (b) **Reentry.** If a student returns to the same barber school after interruption, the school shall notify the department in writing, and a student permit shall be reissued.

- (c) Transfer of student hours between Texas schools. When a barber school accepts a transfer of a student from another school, the accepting school shall notify the department of the transfer, on a form prescribed by the department, and request that the department issue a new student permit for the transferring student.
  - (1) Upon receipt of the accepting school's notification of transfer, the department shall notify the school at which the student was formerly enrolled of such transfer.
  - (2) Upon receipt of the department's transfer notification, the manager or owner of the barber school shall, within seven days of receipt of the department's transfer notification, send to the department the student permit with the following information written on the permit:
    - (A) the last day of the student's attendance;
    - (B) the number of credit hours accrued by the student; and
    - (C) the manager's or owner's signature.
- (d) Transfer of student hours from out of state.
  - (1) A student may transfer to Texas hours of barber training received from a school of another state by providing the following to the department:
    - (A) an official transcript from the school attended, showing hours credited;
    - (B) a statement from the licensing authority of the other state showing hours credited; and
    - (C) proof of at least a seventh grade education.
  - (2) If the student has not completed 1,500 hours in another state, credit for hours completed will be given when he or she is enrolled in a Texas barber school and when a student permit is issued.

**82.78. Responsibilities of Mobile Shops.** *(New section effective January 1, 2008, 32 TexReg 9966; amended effective January 15, 2018, 43 TexReg 79)*

- (a) A mobile shop shall comply with all health and safety requirements and all other requirements of the Act and this chapter for barbershops or specialty shops, as applicable, except as modified by this section or as otherwise indicated.
- (b) A mobile shop license holder shall maintain a permanent physical address as required by §82.22(g). The mobile 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 shall be kept within the mobile unit and made available for inspection by department personnel: appointments; itineraries, if the 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 shop. Records of appointments and itineraries shall be kept for a period of at least one year from the date the record is made.
- (d) A mobile shop shall either:
  - (1) have a Global Positioning System (GPS) tracking device that enables the department to track the location of the mobile shop over the Internet and meet the following requirements:
    - (A) the device shall be on board and functioning at all times the mobile shop is in operation or open for business; and
    - (B) the mobile shop shall provide the department with all information necessary to track the shop over the Internet; or

- (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 shall submit the itinerary not less than 7 calendar days prior to the beginning of service described in the itinerary and shall submit to the department any changes in the itinerary not less than 24 hours prior to the change. A mobile shop shall follow the itinerary in providing service and notify the department of any changes.
- (e) Furniture shall be anchored to the unit.
- (f) All chemicals in the mobile shop shall be stored in cabinets secured with safety catches and shall be stored separate and apart from other articles or equipment in the shop.
- (g) A mobile shop shall display on both sides of the exterior of the mobile shop, the mobile shop's license number and a sign stating the name of the shop.
- (h) A mobile shop shall have a water heater that provides fresh, hot water continuously and on demand.
- (i) A mobile unit shall have a fresh water tank holding a sufficient amount of fresh water to perform the day's business. If a mobile unit's fresh water supply is depleted, operation must cease until the supply is replenished.
- (j) A mobile shop shall have a functioning restroom within its perimeter, including a self-contained, flush toilet with holding tank.
- (k) No services may be performed outside the mobile shop or while the mobile shop is in motion.
- (l) A mobile shop may not be used as a residence or for any other purpose besides providing barbering services.

**82.80. Fees.** *(Rule effective December 8, 2005, 31 TexReg 8075; amended effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319; amended effective January 1, 2014, 38 TexReg 9519; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758; amended effective January 15, 2018, 43 TexReg 79)*

- (a) Application Fees:
  - (1) Class A Barber Certificate--\$55
  - (2) Barber Instructor License--\$65
  - (3) Specialty License--Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving--\$30
  - (4) Student Permit--\$25
  - (5) Specialty Certificate of Registration--Hair Weaving--\$30
  - (6) Specialty Instructor License--Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving, Hair Weaving--\$65
  - (7) Barbershop Permit--\$60
  - (8) Mini-Barbershop Permit--\$60
  - (9) Specialty Shop Permit--\$50
  - (10) Booth Rental Permit--No fee
  - (11) School Original Permit--\$300

- (12) Dual Shop--\$130
  - (13) Mini-Dual Shop Permit--\$60
  - (14) Mobile Shop--\$60
- (b) Renewal Fees:
- (1) Class A Barber Certificate--\$55
  - (2) Barber Instructor License--\$65
  - (3) Specialty License--Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving--\$30
  - (4) Specialty Certificate of Registration--Hair Weaving--\$30
  - (5) Specialty Instructor License--Barber Technician, Manicurist, Barber Technician/Manicurist, Barber Technician/Hair Weaving, Hair Weaving--\$65
  - (6) Barbershop Permit--\$60
  - (7) Mini-Barbershop Permit--\$60
  - (8) Specialty Shop Permit--\$50
  - (9) Booth Rental Permit--No fee
  - (10) School Permit--\$200
  - (11) Dual Shop--\$100
  - (12) Mini-Dual Shop Permit--\$60
  - (13) Mobile Shop--\$60
- (c) Reciprocity or Endorsement Fee--\$55
- (d) Revised/Duplicate License/Certificate/Permit/Registration--\$25
- (e) Verification of license, permit or certificate to other states--\$15
- (f) Law and Rules Book Fee--\$10
- (g) Late renewals fees for licenses, certificates and permits issued under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (h) Initial Inspection or Re-inspection of school Fees (for each occurrence)--\$200
- (i) All fees are nonrefundable, except as otherwise provided by law or commission rule.
- (j) Law and rule book fee is included in the application and renewal fees for student, individual and establishment licenses, certificates and permits.

**82.90. Administrative Penalties and Sanctions.** *(Rule effective December 8, 2005, 31 TexReg 8075)*

If a person violates any provision of Texas Occupations Code, Chapters 1601 or 1603, any provision of this chapter, or any provision of an order of the executive director or commission, proceedings may be instituted to impose

administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of Texas Occupations Code Chapters 51, 1601, and 1603, and Chapter 60 of this title.

**82.100. Health and Safety Definitions.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective January 1, 2008, 32 TexReg 9966; amended effective February 1, 2012, 37 TexReg 319)*

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 <sup>3</sup>/<sub>4</sub>) cups household (5.25%) bleach to one gallon water. Also referred to as 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 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;
  - (B) a chlorine bleach solution used in accordance with this chapter; or
  - (C) an Isopropyl alcohol used at a concentration of at least 70% and ethyl alcohol used at a concentration of at least 90%.
- (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) **Isopropyl or Ethyl alcohol**--Isopropyl alcohol used at a concentration of at least 70% and ethyl alcohol used at a concentration of at least 90% are chemicals that are a low-level disinfectant used to destroy bacteria and to disinfect implements.
- (7) **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, and some nails files.
- (8) **Single-use items**--Porous items made or constructed of cloth, wood, or other absorbent materials having rough surfaces usually intended for single use includes but is not limited to such items as tissues, orangewood sticks, cotton balls, some buffer blocks, and gauze.
- (9) **Sterilize or sterilization**--To eliminate all forms of bacteria or other microorganisms by use of an autoclave or dry heat sterilizer.
- (10) **Sanitize or sanitization**--To reduce the number of microorganism to a safe level by use of an ultraviolet sanitizer.

**82.101. Health and Safety Standards--Department-Approved Disinfectants.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947)*

- (a) EPA-registered bactericidal, fungicidal, and virucidal disinfectants shall be used as follows:
  - (1) Implements and surfaces 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 shall be prepared fresh daily or more often if solution becomes diluted or soiled.
  - (4) In all cases the disinfectant shall be used in accordance with the manufacturers' recommendation or other guidance in this rule.
  - (5) These chemicals are harsh and may affect the 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 shall be used as follows:
  - (1) Chlorine bleach at the appropriate concentration is an effective disinfectant for all purposes in a salon.
  - (2) Chlorine bleach solutions shall be mixed daily.
  - (3) Chlorine bleach 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 shall not be placed or stored near other chemicals used in salons (i.e. acrylic monomers, alcohol, or other disinfecting products) or near flame.
  - (6) Used or soiled chlorine bleach solution shall be properly disposed of each day.
  
- (c) Isopropyl or Ethyl alcohols shall be used as follows:
  - (1) isopropyl alcohol at a concentration of at least 70% and ethyl alcohol at a concentration of at least 90% are low-level disinfectants.
  - (2) Alcohol shall not be used to clean and disinfect blood or body fluid.
  - (3) All alcohol shall be kept in a covered container. Alcohol deteriorates in some plastics, metals and rubber items.
  - (4) Alcohol may affect the long-term use of scissors and other sharp objects.
  - (5) The Department recommends leaving items in alcohol in accordance with the manufacturer's recommendation for effective disinfection. When using alcohol on surfaces other than non-porous materials, the time of contact shall be between 1 to 3 minutes after proper cleaning that removed all visible debris.

- (6) Alcohol may be sprayed onto porous or absorbent surfaces after cleaning, with contact time on the surface of the item for at least 1 minute, provided the porous items have not contacted broken or unhealthy skin or nails.

**82.102. Health and Safety Standards--General Requirements.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective January 15, 2018, 43 TexReg 79)*

- (a) All licensees shall clean their hands with soap and water or use a hand sanitizer prior to performing any services and as necessary during the services to ensure a client health and safety. All barber establishments and licensees shall utilize clean and disinfected equipment, tools, implements, and supplies in accordance with this Chapter, and shall employ good hygiene habits while providing barbering services.
- (b) A licensee may not perform services on a client if the licensee has reason to believe the client has a contagious condition such as head lice, nits, ringworm; 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 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 shall be discarded after use on a single client.
- (e) Electrical equipment that cannot be immersed in liquid 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 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. Non-barber related supplies must be stored in separate drawers or locations.
- (g) A container, large enough to fully immerse all tools and implements with liquid disinfectant shall be used to disinfect combs, brushes, scissors or other equipment which may be safely immersed in a liquid disinfectant.
- (h) Shampoo bowls and manicure tables shall be disinfected prior to use for each client.
- (i) Floors in barber establishments shall be thoroughly cleaned each day. All hair cuttings shall be removed as soon as practicable.
- (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 shall be used on each client. Towels must be washed in hot water and chlorine bleach.
- (m) Soiled towels shall be removed after use on each client and deposited in a suitable receptacle.
- (n) Each barber establishment shall keep all products used in the conduct of their business properly labeled in compliance with OSHA requirements.
- (o) Haircutting capes and shampoo capes shall be kept clean. A clean (one-use) cape shall be used for each client, or a sanitary neck strip or towel shall be used to keep capes from coming into direct contact with the client's neck.



**82.103. Health and Safety Standards--Hair Cutting, Styling, Treatment and Shaving Services.** *(Rule effective March 1, 2006, 31 TexReg 1297)*

- (a) Barbers 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, all non-disposable implements shall be cleaned and sprayed with either an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, or isopropyl alcohol, ethyl alcohol, or a high-level disinfection 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, 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, 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.
  - (2) Complete immersion in isopropyl alcohol or ethyl alcohol;
  - (3) Complete immersion in a high-level disinfection chlorine bleach solution.

**82.104. Health and Safety Standards--Facial Services.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective February 1, 2012, 37 TexReg 319)*

- (a) Barbers and barber technicians shall wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client. Gloves shall be worn during any type of extraction.
- (b) Equipment, implements, tools and materials shall be properly cleaned and disinfected prior to servicing each client in accordance to this rule.
- (c) Facial chairs and beds, including headrest for each, shall be cleaned and disinfected prior to providing service to each client. The chair or bed 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 shall be cleaned and disinfected.
- (e) The following implements are single-use items and shall be discarded in a trash receptacle after use: cotton pads, cotton balls, gauze, wooden applicators, disposable gloves, tissues, 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 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 any one of the items listed above.
- (g) Items subject to possible cross contamination such as creams, cosmetics, astringents, lotions, removers, waxes, moisturizers, masks and oils shall be used in a manner so as not to contaminate the remaining product. Applicators 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.

**82.105. Health and Safety Standards--Waxing Services.** *(Rule effective March 1, 2006, 31 TexReg 1297)*

- (a) Barbers and barber technicians shall clean the areas of the client's body on which the service is to be administered. Barbers and barber technicians may perform waxing services only on the face and/or neck of a client.
- (b) Barbers and barber technicians shall wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.
- (c) Barbers and barber technicians performing waxing services shall dispose of after each use all wax that has been in contact with a client's skin. Wax may not be reused under any circumstances.
- (d) All wax pots shall be cleaned and disinfected in accordance with manufacturer's recommendations. No applicators shall be left standing in the wax at any time.

**82.106. Health and Safety Standards--Manicure and Pedicure Services.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048)*

- (a) Barbers and barber manicurists shall clean their hands with soap and water or a hand sanitizer prior to performing any services.
- (b) Barbers and barber 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 shall be properly cleaned, disinfected and sterilized or sanitized after 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 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 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 (rough surfaced or absorbent materials) shall be cleaned by manually brushing or other adequate methods to remove all visible debris after each use, and then sprayed with Isopropyl or ethyl alcohol, an EPA-registered bactericidal, fungicidal, and virucidal disinfectant, 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 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.

**82.107. Health and Safety Standards--Electric Drill Bits.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947)*

- (a) Only electric files, drills, or machines specifically designed and manufactured for use in the professional nail industry may be used in any barber establishment 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 shall be cleaned by either
  - (1) using a brush; or

- (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 shall be disinfected by complete immersion in an appropriate disinfectant between clients, then sterilized in accordance with this chapter.
- (d) Buffing bits and chamois shall be cleaned with soap and water at the end of every day of use in addition to being cleaned or replaced between clients.

**82.108. Health and Safety Standards--Footspas.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective January 15, 2018, 43 TexReg 79)*

- (a) As used in this section, “whirlpool footspa” 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. The cleaning and disinfecting procedures for foot spas in this section shall be followed for units connected to an establishment’s plumbing, and, to every extent possible, self-contained units.
- (b) Before use upon each patron, each whirlpool foot spa shall be cleaned and disinfected in the following manner.
  - (1) All water shall be drained and all debris 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 shall be cleaned and disinfected in the following manner:
  - (1) The screen shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet shall be washed with soap and water or detergent and water.
  - (2) Before replacing the screen, one of the following procedures shall be performed:
    - (A) The screen shall be washed with a chlorine bleach solution of one-third (1/3) cup of 5.25% chlorine bleach to one (1) gallon of water; or
    - (B) The screen shall be totally immersed in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to manufacturer’s instructions.
  - (3) The spa system shall be flushed with soap and warm water for at least ten (10) minutes, after which the spa shall be rinsed and drained.
- (d) Every other week (bi-weekly), after cleaning and disinfecting as provided in this subsection, each whirlpool foot spa shall be cleaned and disinfected in the following manner:
  - (1) The spa basin shall be filled completely with water and one-third (1/3) cup of 5.25% chlorine bleach for each one (1) gallon of water.
  - (2) The spa system shall be flushed with the chlorine bleach and water solution or an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity according to the manufacturer’s instructions for 5 to 10 minutes and allowed to sit for 6 to 10 hours.

- (3) The spa system shall be drained and flushed with water before use upon a patron.
- (e) A record shall be made on a form prescribed by the Department of the date and time of each cleaning and disinfecting indicating whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting. The record shall indicate if a spa was not used at all during any individual work day. Cleaning and disinfecting records shall be made available upon request by either a patron or a Department representative.
- (f) A footspa for which documentation is not maintained in accordance with this rule must be removed from service and not used again until it has been cleaned and disinfected in accordance with the requirements of this rule and the records have been properly updated.
- (g) Footspa chairs shall be cleaned and disinfected prior to providing service to each client. The chair shall be made of or covered in a non-porous material that can be disinfected.

**82.109. Health and Safety Standards--Wig and Hairpiece Services.** *(Rule effective March 1, 2006, 31 TexReg 1297)*

- (a) Barbers 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 isopropyl alcohol, ethyl alcohol, or high-level disinfection 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.
  - (2) Complete immersion in isopropyl alcohol or ethyl alcohol;
  - (3) Complete immersion in a high-level disinfection 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 close 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.

**82.110. Health and Safety Standards--Hair Weaving Services.** *(Rule effective March 1, 2006, 31 TexReg 1297; amended effective October 11, 2007, 32 TexReg 7048; amended effective January 1, 2016, 40 TexReg 8758)*

- (a) 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 shall be properly cleaned and disinfected in accordance with this rule prior to servicing each client.

- (c) Hair extensions, tracks, needles, and thread shall be stored in a bag or covered container until ready to use. No unrelated items shall be stored in the same bag or container.
- (d) Needles shall be sprayed with a disinfectant before use.

**82.111. Health and Safety Standards--Blood and Body Fluids.** (Rule effective March 1, 2006, 31 TexReg 1297)

- (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 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 10% bleach solution (one-and-three-quarters (1  $\frac{3}{4}$ ) cups of 5.25% bleach in 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 shall be immediately cleaned and disinfected using an EPA-registered hospital grade disinfectant or a tuberculocidal disinfectant in accordance with the manufacturer's instructions, or totally immersed in a 10% bleach solution (one-and-three-quarters (1  $\frac{3}{4}$ ) cups of 5.25% bleach in one gallon of water) for 5 minutes.
- (d) If any porous instrument contacts blood or body fluid, it shall be immediately double-bagged and discarded in a closed trash container or biohazard box.

**82.112. Health and Safety Standards--Prohibited Products or Practices.** (Rule effective March 1, 2006, 31 TexReg 1297; amended effective February 1, 2012, 37 TexReg 319)

- (a) Licensees may not use any of the following substances or products in performing barbering services:
  - (1) Methyl Methacrylate Liquid Monomers, 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 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.

**82.113. Health and Safety Standards--FDA.** (Rule effective March 1, 2006, 31 TexReg 1297)

- (a) 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 shall be considered *prima facie* evidence of its use.
- (c) For the purpose of performing services authorized under the Act, no licensee shall buy, sell, use, or apply to any person liquid monomeric methyl methacrylate (MMA).

**82.114. Health and Safety Standards--Establishments.** (Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended effective October 11, 2007, 32 TexReg 7048)

- (a) Establishments 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 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, shall be kept clean. They must be free from cracks and similar disrepair that cannot be readily accessible for cleaning.
- (d) Each establishment 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 shall provide at least one restroom located on or near the premises of the establishment. For public safety, chemical supplies shall not be stored in the restroom.
- (f) Food or beverages 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 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 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 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) No animals with the exception of those providing assistance to individuals are allowed in establishments. Covered aquariums are allowed provided that they are maintained in a sanitary condition.

**82.120. Technical Requirements--Curricula.** (Rule effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5947; amended October 11, 2007, 32 TexReg 7048; amended effective February 1, 2012, 37 TexReg 319; amended effective July 1, 2014, 39 TexReg 4646; amended effective January 1, 2016, 40 TexReg 8758)

- (a) Requirement for enrollment. No person may enroll in an instructor's course in an approved barber school before receiving the appropriate license.
- (b) The curriculum for the 750 hour barber instructor license must be completed in a course of not less than 20 weeks as follows:

<b>Barber Instructor - 750 hour curriculum</b>		
(1)	instruction in theory, consisting of:	175 hours
	(A) lesson planning	15 hours
	(B) personality and professional conduct	15 hours
	(C) development of a barber course	15 hours
	(D) student learning principles	10 hours
	(E) principles of teaching	35 hours
	(F) basic teaching methods	35 hours

	(G)	teaching aids	10 hours
	(H)	testing	10 hours
	(I)	self evaluation	10 hours
	(J)	teaching adults	10 hours
	(K)	classroom problems	5 hours
	(L)	classroom management	5 hours
(2)	instruction in practical work, consisting of:		575 hours
	(A)	assisting with students	350 hours
	(B)	theory class (assisting teacher, observing, teaching)	150 hours
	(C)	learning office procedures and state laws	50 hours
	(D)	grading test papers (assisting teacher, observing, grading)	25 hours

- (c) The curriculum for the barber instructor license with one year experience consists of 500 hours to be completed in a course of not less than 13 weeks as follows:

<b>BARBER INSTRUCTOR - 500 HOUR WITH 1 YEAR EXPERIENCE CURRICULUM</b>			
(1)	instruction in theory, consisting of:		125 hours
	(A)	lesson planning	15 hours
	(B)	personality and professional conduct	15 hours
	(C)	development of a barber course	15 hours
	(D)	student learning principles	10 hours
	(E)	principles of teaching	10 hours
	(F)	basic teaching methods	10 hours
	(G)	teaching aids	10 hours
	(H)	testing	10 hours
	(I)	self evaluation	10 hours
	(J)	teaching adults	10 hours
	(K)	classroom problems	5 hours
	(L)	classroom management	5 hours
(2)	instruction in practical work, consisting of:		375 hours
	(A)	assisting with students	250 hours
	(B)	theory class (assisting teacher, observing, teaching)	50 hours
	(C)	learning office procedures and state laws	50 hours
	(D)	grading test papers (assisting teacher, observing, grading)	25 hours

- (d) The curriculum for the class A barber certificate in a private or public post-secondary barber school consists of 1,500 hours, to be completed in a course of not less than nine months, as follows:

<b>PRIVATE AND PUBLIC POST-SECONDARY BARBER SCHOOL CLASS A BARBER CURRICULUM</b>			
(1)	theory, consisting of:		180 hours
	(A)	anatomy, physiology, and histology, consisting of the study of:	50 hours

	(i)	Hair	
	(ii)	Skin	
	(iii)	Muscles	
	(iv)	Nerves	
	(v)	Cells	
	(vi)	Circulatory system	
	(vii)	Digestion	
	(viii)	Bones	
(B)	Texas barber law and rules		35 hours
(C)	bacteriology, sterilization, and sanitation		30 hours
(D)	disorders of the skin, scalp, and hair		10 hours
(E)	salesmanship		5 hours
(F)	barbershop management		5 hours
(G)	chemistry		5 hours
(H)	shaving		5 hours
(I)	scalp, hair treatments and skin		5 hours
(J)	sanitary professional techniques		4 hours
(K)	professional ethics		4 hours
(L)	scientific fundamentals of barbering		4 hours
(M)	cosmetic preparations		3 hours
(N)	shampooing and rinsing		2 hours
(O)	cutting and processing curly and over-curly hair		2 hours
(P)	haircutting, male and female		2 hours
(Q)	theory of massage of scalp, face and neck		2 hours
(R)	hygiene and good grooming		1 hour
(S)	barber implements		1 hour
(T)	honing and stropping		1 hour
(U)	mustaches and beards		1 hour
(V)	facial treatments		1 hour
(W)	electricity and light therapy		1 hour
(X)	history of barbering		1 hour
(2)	instruction in practical work, consisting of the study of:		1320 hours
(A)	dressing the hair, consisting of:		800 hours
	(i)	men's haircutting	
	(ii)	children's haircutting	
	(iii)	women's haircutting	
	(iv)	cutting and processing curly and over-curly hair	
	(v)	razor cutting	
(B)	shaving		80 hours
(C)	styling		55 hours
(D)	shampooing and rinsing		40 hours



(E)	bleaching and dyeing of the hair	30 hours
(F)	waving hair	28 hours
(G)	straightening	25 hours
(H)	cleansing	25 hours
(I)	professional ethics	22 hours
(J)	barbershop management	22 hours
(K)	hair weaving and hairpieces	17 hours
(L)	processing	15 hours
(M)	clipping	15 hours
(N)	beards and mustaches	15 hours
(O)	shaping	15 hours
(P)	dressing	15 hours
(Q)	curling	15 hours
(R)	first aid and safety precautions	11 hours
(S)	scientific fundamentals of barbering	10 hours
(T)	barber implements	10 hours
(U)	haircutting or the process of cutting, tapering, trimming, processing, and molding and scalp, hair treatments, and tonics	10 hours
(V)	massage and facial treatments	10 hours
(W)	arranging	10 hours
(X)	beautifying	10 hours
(Y)	singeing	7 hours
(Z)	manicuring	8 hours

- (e) The curriculum for the class A barber certificate while holding a cosmetology operator license consists of 300 hours, to be completed in a course of not less than 9 weeks, as follows:

<b>Cosmetology Operator to Class A Barber curriculum</b>		
(1)	Instruction in theory, consisting of:	25 Hours
(A)	History of Barbering	1
(B)	Barber Laws and Rules Review	1
(C)	Implements, Honing, and Stropping	5
(D)	Shaving	5
(E)	Men's Haircutting and tapering	5
(F)	Beard and Mustache Trimming and Design	1
(G)	Hair color Review	1
(H)	Permanent Waving and Relaxing Review	1
(I)	Manicuring and Nail Care Review	1
(J)	Facial Treatments and Skin Care Review	1
(K)	Anatomy and Physiology Review	1
(L)	Blow-dry Styling Review	1
(M)	Shampooing and Conditioning Review	1

(2)	Instruction in practical work, consisting of:		275 Hours
	(A)	Men's Haircutting and tapering	165
	(B)	Shaving, Mustache and Beard Trimming	85
	(C)	Hair coloring	5
	(D)	Permanent Waving and Relaxing	5
	(E)	Facial Treatments	5
	(F)	Shampooing and Conditioning and Blow-dry Styling	5
	(G)	Manicuring	5

- (f) The curriculum for the class A barber certificate in a public secondary program for high school students consists of 1,000 hours of instruction in barber courses and 500 hours of related high school courses prescribed by the commission in a vocational barber program in a public school to be completed in a course of not less than six months, with the 1,000 hours as follows:

<b>PUBLIC SECONDARY CLASS A BARBER CURRICULUM FOR HIGH SCHOOL STUDENTS&gt;for high school students</b>			
(1)	Theory, consisting of the study of:		
	(A)	anatomy, physiology, and histology, consisting of the study of:	50 hours
		(i) Hair	
		(ii) Skin	
		(iii) Muscles	
		(iv) Nerves	
		(v) Cells	
		(vi) Circulatory system	
		(vii) Digestion	
		(viii) Bones	
	(B)	Texas barber law and rules	25 hours
	(C)	bacteriology, sterilization, and sanitation	30 hours
	(D)	disorders of the skin, scalp, and hair	5 hours
	(E)	salesmanship	1 hour
	(F)	barbershop management	1 hour
	(G)	chemistry	1 hour
	(H)	shaving	1 hour
	(I)	scalp, hair treatments and skin	1 hour
	(J)	sanitary professional techniques	1 hour
	(K)	professional ethics	1 hour
	(L)	scientific fundamentals of barbering	1 hour
	(M)	cosmetic preparations	1 hour
	(N)	shampooing and rinsing	1 hour
	(O)	cutting and processing curly and over-curly hair	1 hour
	(P)	haircutting, male and female	1 hour
	(Q)	theory of scalp, face and neck message	1 hour
	(R)	hygiene and good grooming	1 hour

(S)	barber implements	1 hour
(T)	honing and stropping	1 hour
(U)	mustaches and beards	1 hour
(V)	facial treatments	1 hour
(W)	electricity and light therapy	1 hour
(X)	history of barbering	1 hour
(2)	instruction in practical work, consisting of the study of:	
(A)	dressing the hair, consisting of:	500 hours
(i)	men's haircutting	
(ii)	children's haircutting	
(iii)	women's haircutting	
(iv)	cutting and processing curly and over-curly hair	
(v)	razor cutting	
(B)	shaving	80 hours
(C)	styling	50 hours
(D)	shampooing and rinsing	30 hours
(E)	hair bleaching and dyeing	20 hours
(F)	waving hair	25 hours
(G)	straightening	25 hours
(H)	cleansing	20 hours
(I)	professional ethics	20 hours
(J)	hair weaving and hairpieces	5 hours
(K)	processing	5 hours
(L)	Clipping	5 hours
(M)	beards and mustaches	6 hours
(N)	shaping	5 hours
(O)	dressing	5 hours
(P)	curling	5 hours
(Q)	first aid and safety precautions	5 hours
(R)	scientific fundamentals of barbering	5 hours
(S)	barber implements	5 hours
(T)	haircutting or the process of cutting, tapering, trimming, processing, and molding and scalp, hair treatments, and tonics	10 hours
(U)	massage and facial treatments	10 hours
(V)	arranging	10 hours
(W)	beautifying	10 hours
(X)	singeing	1 hours
(Y)	manicuring	8 hours

- (g) The curriculum for the manicurist license consists of 600 hours, to be completed in a course of not less than 16 weeks, as follows:

<b>MANICURIST CURRICULUM</b>		
(1)	instruction in theory, consisting of:	45 hours
	(A) bacteriology, sterilization, and sanitation	16 hours
	(B) manicuring, equipment, and procedures	4 hours
	(C) the nail and disorders	4 hours
	(D) Texas barber law and rules	4 hours
	(E) anatomy and physiology	4 hours
	(F) skin	4 hours
	(G) professional ethics	3 hours
	(H) hygiene and good grooming	3 hours
	(I) advanced nail techniques	3 hours
(2)	instruction in practical work, consisting of:	555 hours
	(A) shaping nails	96 hours
	(B) applying polish	74 hours
	(C) trimming cuticle and buffing nails	59 hours
	(D) hand and arm massage	57 hours
	(E) removal of polish	57 hours
	(F) application of artificial and gel nails	44 hours
	(G) applying cuticle remover and loosening	40 hours
	(H) preparation of manicure table	40 hours
	(I) softening cuticle	37 hours
	(J) Bleaching under free edge	18 hours
	(K) cleaning under free edge	18 hours
	(L) applying cuticle oil or cream	15 hours

- (h) The curriculum for the barber technician/manicurist license consists of 900 hours; to be completed in a course of not less than 24 weeks, as follows:

<b>BARBER TECHNICIAN/MANICURIST CURRICULUM</b>		
<b>THEORY</b>		
A	Bacteriology, sterilization, and sanitation hygiene (M/T)	37 hours
B	Manicuring, equipment, and procedures (M)	4 hours
C	The nail and disorders (M)	4 hours
D	Texas barber law and rules (M/T)	8 hours
E	Anatomy and physiology (M)	4 hours
F	Skin (M)	4 hours
G	Professional ethics (M/T)	7 hours
H	Advanced nail techniques (M)	3 hours
I	Common disorders of the skin; facial treatments (T)	4 hours
J	Shampooing, equipment, and procedures (T)	4 hours
K	Cosmetic applications and massage (T)	3 hours
L	Good grooming; preparing patron and making appointments (T)	3 hours

M	Theory of massage, and structure of head, neck, and face (T)	2 hours
N	Rinsing, types and procedures (T)	2 hours
O	Scalp and hair treatments (T)	2 hours
<b>PRACTICAL</b>		
A	Shaping nails (M)	96 hours
B	Applying polish (M)	74 hours
C	Trimming cuticle and buffing nails (M)	59 hours
D	Hand and arm massage (M)	57 hours
E	Removal of polish (M)	57 hours
F	Application of artificial and gel nails (M)	44 hours
G	Applying cuticle remover and loosening	40 hours
H	Preparation of manicure table (M)	40 hours
I	Softening cuticle (M)	37 hours
J	Bleaching under free edge (M)	18 hours
K	Cleaning under free edge (M)	18 hours
L	Applying cuticle oil or cream (M)	15 hours
M	Application of shampoo and shampooing (T)	45 hours
N	Application of rinses and removal (T)	35 hours
O	Makeup application (T)	33 hours
P	Facial manipulations (T)	20 hours
Q	Application of conditioner and rinsing (T)	20 hours
R	Scalp manipulations (T)	20 hours
S	Brushing and drying (T)	18 hours
T	Sanitation and sterilization (T)	15 hours
U	Draping and scalp examination (T)	11 hours
V	Application and removal of creams (T)	10 hours
W	Application and removal of packs (T)	8 hours
X	Set-up for facial (T)	8 hours
Y	Preparation of work area for shampooing (T)	7 hours
Z	Patron protection (T)	5 hours

- (i) The curriculum for the barber technician/hair weaving license consists of 600 hours to be completed in a course of not less than 16 weeks, as follows:

<b>BARBER TECHNICIAN/HAIR WEAVING CURRICULUM</b>		
<b>THEORY</b>		
A	Hygiene, bacteriology, sterilization, and sanitation (T/H)	28 hours
B	Common disorders of the skin; facial treatments and theory of massage (T)	4 hours
C	Shampooing, equipment, and procedures (T/H)	4 hours
D	Texas barber law and rules (T/H)	4 hours
E	Cosmetic applications and massage	3 hours
F	Professional ethics (T)	3 hours
G	Good grooming; preparing patron and making appointments (T/H)	5 hours
H	Anatomy and physiology-scalp: theory of head, neck, and face. Bones, major muscles, major	30 hours

	nerves and functions, skin structures, appendages, conditions and lesions, structure, hair regularities, hair and scalp diseases (T/H)	
I	Composition of hair or fiber used (H)	2 hours
J	Rinsing, types and procedures (T/H)	2 hours
K	Chemistry of compounds, and mixtures, composition and uses of cosmetics in hair weaving and facial treatments (T/H)	2 hours
L	Scalp and hair treatments (T/H)	2 hours
<b>PRACTICAL</b>		
A	Definitions, importance, sanitary rules and laws, sterilization methods of unused hair and fiber droppings Basic hair weaving, repair on hair weaving, removal of weft, sizing and finishing.	150 hours
B	Professional practices: vocabulary, ethics, salon procedures, hygiene, grooming, professional attitudes, salesmanship, public relations including purpose, effect, equipment, implements, supplies, and preparation (T/H)	40 hours
C	Application of shampoo and shampooing (T/H)	45 hours
D	Application of rinses and removal (T)	35 hours
E	Makeup application (T)	33 hours
F	Facial manipulations (T)	20 hours
G	Application of conditioner and rinsing (T/H)	20 hours
H	Shampooing client, weft and extensions (H)	50 hours
I	Scalp manipulations (T/H)	20 hours
J	Brushing and drying (T/H)	18 hours
K	Draping and scalp examination (T/H)	11 hours
L	Application and removal of creams (T)	10 hours
M	Application and removal of packs (T)	8 hours
N	Set-up for facial (T)	8 hours
O	Preparation of work area for shampooing (T/H)	7 hours
P	Safety measures: client protection (T/H)	28 hours
Q	Chemistry in hair weaving Elements, compounds, and mixtures, composition and uses of cosmetics in hair weaving (H)	8 hours

- (j) The curriculum for the barber technician license consists of 300 hours, to be completed in a course of not less than 8 weeks, as follows:

<b>BARBER TECHNICIAN CURRICULUM</b>		
(1)	instruction in theory, consisting of:	45 hours
	(A) hygiene, bacteriology, sterilization, and sanitation	18 hours
	(B) common disorders of the skin; facial treatments	4 hours
	(C) shampooing, equipment, and procedures	4 hours
	(D) Texas barber law and rules	4 hours
	(E) cosmetic applications and massage	3 hours
	(F) professional ethics	3 hours
	(G) good grooming; preparing patron and making appointments	3 hours
	(H) theory of massage, and structure of head, neck, and face	2 hours

	(I)	rinsing, types and procedures	2 hours
	(J)	scalp and hair treatments	2 hours
(2)		instruction in practical work, consisting of:	255 hours
	(A)	application of shampoo and shampooing	45 hours
	(B)	application of rinses and removal	35 hours
	(C)	makeup application	33 hours
	(D)	facial manipulations	20 hours
	(E)	application of conditioner and rinsing	20 hours
	(F)	scalp manipulations	20 hours
	(G)	brushing and drying	18 hours
	(H)	sanitation and sterilization	15 hours
	(I)	draping and scalp examination	11 hours
	(J)	application and removal of creams	10 hours
	(K)	application and removal of packs	8 hours
	(L)	set-up for facial	8 hours
	(M)	preparation of work area for shampooing	7 hours
	(N)	patron protection	5 hours

(k) The curriculum for the hair weaving specialty certificate of registration consists of 300 hours as follows:

<b>Hair Weaving Curriculum</b>	
(1) Hair weaving :	150 hours
Basic hair weaving, repair on hair weaving, removal of weft, sizing and finishing	
(2) Shampooing client, weft and extensions:	50 hours
Basic shampooing, basic conditioners, semi-permanent and weakly rinses, basic hair drying, draping	
(3) Professional practices:	40 hours
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	
(4) Anatomy and physiology-scalp:	30 hours
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	
(5) Chemistry in hair weaving:	10 hours
Elements, compounds, and mixtures, composition and uses of cosmetics in hair weaving	
(6) Sanitation and safety measures:	10 hours
Definitions, importance, sanitary rules and laws, sterilization methods of unused hair and fiber droppings	
(7) Safety measures: client protection	10 hours

(l) Field Trips

- (1) Barber related field trips are permitted under the following conditions for students enrolled in the following courses and the guidelines under this subsection must be strictly followed.
- (2) A student may obtain the following field trip curriculum hours:
  - (A) a maximum of 75 hours out of the 1,500 hour Class A Barber course;
  - (B) a maximum of 50 hours out of the 1,000 hour class A Barber course;
  - (C) a maximum of 30 hours for the Manicure course;
  - (D) a maximum of 20 hours for the Barber Technician course;
  - (E) a maximum of 45 hours for the Barber Technician/Manicurist course;
  - (F) a maximum of 30 hours for the Barber Technician/Hair Weaving course;
  - (G) a maximum of 20 hours for the Hair Weaving course;
  - (H) a maximum of 35 hours for the 750 hour Instructor course;
  - (I) a maximum of 25 hours for the 500 hour Instructor course; and
  - (J) a maximum of 15 hours for the Cosmetology Operator to Class A Barber course.
- (3) Students must be under the supervision of 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.
- (4) Complete documentation is required, including student names, instructor names, activity, location, date, and duration of the activity.
- (5) No credit may be earned for travel.