



# Cosmetology Update

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## *Keeping You On The Cutting Edge*

On February 2, 2006, the Texas Commission of Licensing and Regulation adopted new rules for the cosmetology profession that will have a significant impact on cosmetologists, salons and schools. The rules, which go into effect on March 1, were developed in close collaboration with cosmetologists, manicurists, salon and school owners, and specialty license holders. The Texas Department of Licensing and Regulation (TDLR) conducted more than 20 public meetings in July and August of last year and again in December 2005 and January 2006 at locations across the state to gather information from members of the profession. TDLR also provided information about important changes to licensees with messages through the agency's subscription email service. In addition, the rules were reviewed and recommended for approval by the Advisory Board on Cosmetology, which is a body made up of cosmetologists and salon and school owners who represent the interests of the industry. These changes were made to streamline the rules and implement TDLR's common-sense approach to regulation.

Some key changes to the rules are outlined below. To read the complete rules package, go to: <http://www.license.state.tx.us/cosmet/cosmetrules.htm>.

### **Inspections**

- All new or relocated establishments (salons and schools) must be inspected by TDLR **before** opening for business. (16 Texas Administrative Code §83.51). A \$35 fee will be charged for reinspection of a salon if the salon is not approved on the initial inspection. (16 TAC §83.80).
- All salons will be inspected at least once every two years. (16 TAC §83.52). Schools will be inspected at least once each year. (16 TAC §83.63).
- Shops and schools that have significant sanitation and unlicensed practice violations will be put on a risk-based inspection schedule and inspected more frequently, up to 4 times per year. (16 TAC §83.53). A \$150 fee will be charged for each risk-based inspection performed by TDLR. (16 TAC §83.80).

### **Health and Safety**

- For manicure and pedicure nail services, sterilization of multiple-use metal instruments (non-disposable, non-porous instruments) is required. (16 TAC §83.106).
- Three sterilization methods are currently allowed: autoclave, dry heat, or ultraviolet light. (16 TAC §83.100).
- MMA, a liquid monomer, is prohibited from use in nail services and is prohibited on cosmetology establishment premises (16 TAC §83.112 and §83.113).
- Razor-type callus shavers (Credo blades) are prohibited from use in pedicure services and are prohibited on cosmetology establishment premises. (16 TAC §83.112).

### **Licensing**

- A person must submit a license application to take the examination. (16 TAC §83.21). The written examination must be taken before the practical examination. Examinees must wear a smock. (16 TAC §83.21).

- New schools must provide a current financial statement to be licensed. (16 TAC §83.23).
- Licensed cosmetologists who come to Texas from other states or countries can get a provisional (temporary) license that will allow them to work for up to 6 months while TDLR verifies their credentials and processes their application for a reciprocal license. (16 TAC §83.28).

#### **Deleted Rules**

- Salons will no longer be required to post their hours of operation on the door and independent contractors will no longer be required to post their hours on their booths.
- TDLR inspectors will no longer check the Material Safety Data Sheet (MSDS) during inspections, although federal rules will still require salons to maintain the MSDS. Inspectors will focus on enforcing the Texas Health and Safety Code, not federal regulations.
- Operators and specialty licensees who are employees of a salon will no longer be required to buy the Law and Rule Book. Those who will still be required to purchase a Law and Rule Book are salons, schools, independent contractors, cosmetology students and licensees who obtain their license through reciprocity.

***Please post this update in your beauty supply store, salon or school.***

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