

REGULATION OF COSMETOLOGY
Occupations Code
Title 9. Regulation of Barbers, Cosmetologists, and Related Occupations
Chapter 1602
Administered by the Texas Department of Licensing and Regulation
(effective September 1, 2013, except as noted)

TABLE OF CONTENTS

SUBCHAPTER A. GENERAL PROVISIONS.....	1
SECTION 1602.001. GENERAL DEFINITIONS	1
SECTION 1602.002. DEFINITION OF COSMETOLOGY.....	1
SECTION 1602.003. APPLICATION OF CHAPTER	2
SUBCHAPTER B. ADVISORY BOARD ON COSMETOLOGY	3
SECTION 1602.051. BOARD MEMBERSHIP	3
SECTION 1602.055. TERMS; VACANCY	3
SECTION 1602.058. PRESIDING OFFICER	3
SECTION 1602.060. BOARD DUTIES	4
SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY.....	4
SECTION 1602.153. SUBPOENA	4
SUBCHAPTER F. LICENSE AND CERTIFICATE REQUIREMENTS FOR INDIVIDUALS	4
SECTION 1602.251. LICENSE OR CERTIFICATE REQUIRED.....	4
SECTION 1602.254. ELIGIBILITY FOR AN OPERATOR LICENSE	4
SECTION 1602.255. ELIGIBILITY FOR AN INSTRUCTOR LICENSE	5
SECTION 1602.256. ELIGIBILITY FOR A MANICURIST SPECIALTY LICENSE	6
SECTION 1602.257. ELIGIBILITY FOR ESTHETICIAN SPECIALTY LICENSE.....	6
SECTION 1602.2571. ELIGIBILITY FOR A SPECIALTY LICENSE IN EYELASH EXTENSION APPLICATION.	7
SECTION 1602.2572. EYELASH EXTENSION APPLICATION TRAINING PROGRAM.	7
SECTION 1602.258. ELIGIBILITY FOR A HAIR BRAIDING SPECIALTY CERTIFICATE	7
SECTION 1602.259. ELIGIBILITY FOR HAIR WEAVING SPECIALTY CERTIFICATE	7
SECTION 1602.260. ELIGIBILITY FOR A WIG SPECIALTY CERTIFICATE	8
SECTION 1602.261. ELIGIBILITY FOR MANICURIST/ESTHETICIAN SPECIALTY LICENSE.....	8
SECTION 1602.262. ISSUANCE OF LICENSE OR CERTIFICATE	9
SECTION 1602.266. STUDENT PERMIT	9
SECTION 1602.267. SHAMPOO APPRENTICE PERMIT.....	9
SECTION 1602.268. WAIVER OF CERTAIN LICENSE REQUIREMENTS.....	10
SUBCHAPTER G. LICENSING OF FACILITIES.....	10
SECTION 1602.301. FACILITY LICENSE REQUIRED.....	10
SECTION 1602.302. BEAUTY SHOP LICENSE	10
SECTION 1602.303. PRIVATE BEAUTY CULTURE SCHOOL LICENSE.....	11
SECTION 1602.304. PUBLIC SECONDARY OR POSTSECONDARY BEAUTY CULTURE SCHOOL CERTIFICATE.....	12
SECTION 1602.305. SPECIALTY SHOP LICENSE	12
SECTION 1602.306. BOOTH RENTAL LICENSE.....	12
SUBCHAPTER H. LICENSE RENEWAL.....	13
SECTION 1602.351. RENEWAL OF LICENSE OR CERTIFICATE REQUIRED	13
SECTION 1602.352. REQUIREMENT FOR FIRST RENEWAL OF LICENSE	13
SECTION 1602.353. INACTIVE STATUS.....	13
SECTION 1602.354. CONTINUING EDUCATION.....	14
SUBCHAPTER I. PRACTICE BY LICENSING HOLDER.....	14

SECTION 1602.401.	DISPLAY OF CERTIFICATE OR LICENSE	14
SECTION 1602.402.	LICENSE OR CERTIFICATE NOT TRANSFERABLE	14
SECTION 1602.403.	EMPLOYMENT OF LICENSE OR CERTIFICATE HOLDER	14
SECTION 1602.404.	OPERATING CERTAIN SHOPS OR SCHOOLS ON SINGLE PREMISES	14
SECTION 1602.405.	PRACTICE AT FACILITY LICENSED OR PERMITTED AS BARBER AND COSMETOLOGIST FACILITY.	14
SECTION 1602.406.	INFECTIOUS AND CONTAGIOUS DISEASES.....	15
SECTION 1602.407.	SERVICE AT UNLICENSED LOCATION.....	15
SUBCHAPTER J. OPERATION OF A BEAUTY CULTURE SCHOOL.....		15
SECTION 1602.451.	DUTIES OF A LICENSE HOLDER	15
SECTION 1602.452.	INFORMATION PROVIDED TO PROSPECTIVE STUDENT.....	16
SECTION 1602.453.	COURSE LENGTH AND CURRICULUM CONTENT	16
SECTION 1602.454.	STUDENT RECORD	17
SECTION 1602.455.	TRANSFER OF HOURS OF INSTRUCTION	17
SECTION 1602.456.	IDENTIFICATION OF AND WORK PERFORMED BY STUDENTS	17
SECTION 1602.457.	CANCELLATION AND SETTLEMENT POLICY	17
SECTION 1602.458.	REFUND POLICY	18
SECTION 1602.459.	WITHDRAWAL OR TERMINATION OF STUDENT	18
SECTION 1602.460.	INTEREST ON REFUND.....	19
SECTION 1602.461.	REENTRY OF STUDENT AFTER WITHDRAWAL OR TERMINATION.....	19
SECTION 1602.462.	EFFECT OF STUDENT WITHDRAWAL	19
SECTION 1602.463.	EFFECT OF SCHOOL CLOSURE.....	20
SECTION 1602.464.	PRIVATE BEAUTY CULTURE SCHOOL TUITION PROTECTION ACCOUNT	20
SECTION 1602.465.	PEER REVIEW	20

SUBCHAPTER A. GENERAL PROVISIONS

Section 1602.001. General Definitions

In this chapter:

- (1) “**Board**” means the Advisory Board on Cosmetology.
- (2) “**Commission**” means the Texas Commission of Licensing and Regulation.
- (3) “**Department**” means the Texas Department of Licensing and Regulation.
- (3-a) “**Dual shop**” means a shop owned, operated, or managed by a person holding a dual barber and beauty shop license issued under Chapter 1603.
- (4) “**Executive director**” means the executive director of the department.
- (5) “**Public school**” includes a public high school, a public junior college, or any other nonprofit tax-exempt institution that conducts a cosmetology program.

Section 1602.002. Definition of Cosmetology

- (a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:
 - (1) treating a person's hair by:
 - (A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;
 - (B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or
 - (C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;
 - (2) braiding a person's hair;
 - (3) shampooing and conditioning a person's hair;
 - (4) servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);
 - (5) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;
 - (6) cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:
 - (A) by hand or by using a device, apparatus, or appliance; and

- (B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
 - (7) beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
 - (8) administering facial treatments;
 - (9) removing superfluous hair from a person's body using depilatories, preparations, or tweezing techniques;
 - (10) treating a person's nails by:
 - (A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
 - (B) attaching false nails;
 - (11) massaging, cleansing, treating, or beautifying a person's hands or feet;
 - (12) applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes; or
 - (13) weaving a person's hair.
- (a-1) In this section, "safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:
- (1) prevent the razor from cutting too deeply, and
 - (2) reduce the risk and incidence of accidental cuts.
- (b) The commission by rule may amend the definition of cosmetology to eliminate a service included in that definition under Subsection (a).

Section 1602.003. Application of Chapter

- (a) In this section, "fashion photography studio" means a permanent establishment that charges a fee exclusively for a photographic sitting.
- (b) This chapter does not apply to a person who:
 - (1) provides a service in an emergency;
 - (2) is licensed in this state to practice medicine, dentistry, podiatry, chiropractic, or nursing and is operating within the scope of the person's license;
 - (3) is in the business of or receives compensation for makeup applications only;
 - (4) acts as a barber under Chapter 1601, if the person does not hold the person out as a cosmetologist;
 - (5) provides a cosmetic service as a volunteer or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home to a patient residing in the home;

- (6) owns, operates, or manages a licensed nursing or convalescent custodial or personal care home that allows a person with an operator license to perform cosmetic services for patients residing in the home on an occasional but not daily basis; or
- (7) provides an incidental cosmetic service, or owns, operates, or manages the location where that service is provided, if the primary purpose of the service is to enable or assist the recipient of the service to participate as the subject of:
 - (A) a photographic sitting at a fashion photography studio;
 - (B) a television appearance; or
 - (C) the filming of a motion picture.

SUBCHAPTER B. ADVISORY BOARD ON COSMETOLOGY

Section 1602.051. Board Membership

- (a) The Advisory Board on Cosmetology consists of nine members appointed by the presiding officer of the commission, with the commission's approval, as follows:
 - (1) one member who holds a license for a beauty shop that is part of a chain of beauty shops;
 - (2) one member who holds a license for a beauty shop that is not part of a chain of beauty shops;
 - (3) one member who holds a private beauty culture school license;
 - (4) two members who each hold an operator license;
 - (5) one member who represents a licensed public secondary or postsecondary beauty culture school;
 - (6) one member who represents a licensed public secondary beauty culture school; and
 - (7) two public members.
- (b) The associate commissioner of the Texas Education Agency responsible for career and technical education or the associate commissioner's authorized representative shall serve as an ex officio member of the commission without voting privileges.

Section 1602.055. Terms; Vacancy.

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

Section 1602.058. Presiding Officer

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

Section 1602.060. Board Duties

- (a) The board shall advise the commission and the department on:
 - (1) education and curricula for applicants;
 - (2) the content of examinations;
 - (3) proposed rules and standards on technical issues related to cosmetology; and
 - (4) other issues affecting cosmetology.
- (b) The board shall respond to questions from the department and the commission regarding cosmetology.

SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

Section 1602.153. Subpoena

- (a) The department may request and, if necessary, compel by subpoena:
 - (1) the attendance of a witness for examination under oath; and
 - (2) the production for inspection and copying of records and other evidence relevant to the investigation of an alleged violation of this chapter.
- (b) If a person fails to comply with a subpoena issued under this section, the department, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the department may be held.
- (c) The court shall order a person to comply with the subpoena if the court determines that good cause exists for issuing the subpoena.

SUBCHAPTER F. LICENSE AND CERTIFICATE REQUIREMENTS FOR INDIVIDUALS

Section 1602.251. License or Certificate Required

- (a) A person may not perform or attempt to perform a practice of cosmetology unless the person holds a license or certificate to perform that practice.
- (b) A person may not teach cosmetology unless the person:
 - (1) holds an instructor license issued in this state; and
 - (2) performs the instruction in a private beauty culture school or a vocational cosmetology program in a public school.
- (c) A person licensed by the department may practice cosmetology only at a facility operated by a person holding a beauty shop license, specialty shop license, private beauty culture school license, or other license issued by the department.

Section 1602.254. Eligibility for an Operator License

- (a) A person holding an operator license may perform any practice of cosmetology.
- (b) To be eligible for an operator license, an applicant must meet the requirements of Subsection (c) or:
 - (1) be at least 17 years of age;
 - (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
 - (3) have completed:
 - (A) 1,500 hours of instruction in a licensed beauty culture school; or
 - (B) 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a vocational cosmetology program in a public school.
- (c) The commission shall adopt rules for the issuance of an operator license under this section to a person who holds a Class A barber certificate. The department shall issue the license to an applicant who:
 - (1) holds an active Class A barber certificate;
 - (2) completes 300 hours of instruction in cosmetology through a commission-approved training program in a cosmetology school;
 - (3) passes the examination required under Section 1602.262; and
 - (4) submits to the department:
 - (A) an application on a form prescribed by the department; and
 - (B) the required fee.

Section 1602.255. Eligibility for an Instructor License

- (a) A person holding an instructor license may perform any practice of cosmetology and may instruct a person in any practice of cosmetology.
- (b) To be eligible for an instructor license, an applicant must:
 - (1) be at least 18 years of age;
 - (2) have a high school diploma or a high school equivalency certificate;
 - (3) hold an operator license under this chapter;
 - (4) have:
 - (A) completed 750 hours of instruction in methods of teaching in:
 - (i) a licensed private beauty culture school; or

- (ii) a vocational training program of a publicly financed postsecondary institution;
- (B) completed at least:
 - (i) one year of verifiable experience as a licensed cosmetology operator; and
 - (ii) 500 hours of instruction in cosmetology in a commission-approved training program;
- (C) completed 15 semester hours in education courses through an accredited college or university within the 10 years before the date of application; or
- (D) obtained a degree in education from an accredited college or university; and
- (5) pass the examination required under Section 1602.262.
- (c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(7), (9), (10), and (12).

Section 1602.256. Eligibility for a Manicurist Specialty License

- (a) A person holding a manicurist specialist license may perform only the practice of cosmetology defined in Section 1602.002(a)(10) or (11).
- (b) To be eligible for a manicurist specialty license, an applicant must:
 - (1) be at least 17 years of age;
 - (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
 - (3) have completed 600 hours of instruction in manicuring through a commission-approved training program.

Section 1602.257. Eligibility for Esthetician Specialty License

- (a) A person holding an esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a) (6), (7), (8), (9), and (12).
- (b) To be eligible for an esthetician specialty license, an applicant must:
 - (1) be at least 17 years of age;
 - (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
 - (3) have completed 750 hours of instruction in esthetics specialty through a commission-approved training program.

Section 1602.2571. Eligibility for a Specialty License in Eyelash Extension Application.

- (a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(12).
- (b) To be eligible for a specialty license in eyelash extension application, an applicant must:
 - (1) be at least 17 years of age;
 - (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
 - (3) have completed a training program described by Section 1602.2572 that has been approved by the commission.

Section 1602.2572. Eyelash Extension Application Training Program.

- (a) An eyelash extension application training program must include at least 320 hours of classroom instruction and practical experience, including at least eight hours of theoretical instruction, and include instruction in the following areas:
 - (1) recognizing infectious or contagious diseases of the eye and allergic reactions to materials;
 - (2) proper sanitation practices;
 - (3) occupational health and safety practices;
 - (4) eyelash extension application procedures; and
 - (5) eyelash extension isolation and separation procedures.
- (b) An instructor at an eyelash extension application training program must comply with Section 1602.251(b).
- (c) The commission shall adopt rules regarding eyelash extension application training programs and may establish or designate approved training programs.

Section 1602.258. Eligibility for a Hair Braiding Specialty Certificate

- (a) A person holding a hair braiding specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(2).
- (b) To be eligible for a hair braiding specialty certificate, an applicant must:
 - (1) be at least 17 years of age; and
 - (2) have the necessary requisites as determined by the department in the particular specialty for which certification is sought, including training through a commission-approved training program.

Section 1602.259. Eligibility for Hair Weaving Specialty Certificate

- (a) A person holding a hair weaving specialty certificate may perform only the practice of cosmetology defined in Sections 1602.002(a)(2), (3), and (13).
- (b) To be eligible for a hair weaving specialty certificate, an applicant must:
 - (1) be at least 17 years of age; and
 - (2) have the necessary requisites as determined by the department in the particular specialty for which certification is sought, including training through a commission-approved training program.

Section 1602.260. Eligibility for a Wig Specialty Certificate

- (a) A person holding a wig specialty certificate may perform only the practice of cosmetology defined in Section 1602.002(a)(4).
- (b) To be eligible for a wig specialty certificate, an applicant must:
 - (1) be at least 17 years of age; and
 - (2) have the necessary requisites as determined by the department in the particular specialty for which certification is sought, including training through a commission-approved training program.

Section 1602.261. Eligibility for Manicurist/Esthetician Specialty License

- (a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(6) through (11).
- (b) To be eligible for a manicurist/esthetician specialty license, an applicant must:
 - (1) submit an application on a form prescribed by the department;
 - (2) pay the required fee; and
 - (3) either:
 - (A) hold both an active manicurist specialty license and an active esthetician specialty license; or
 - (B) meet the educational requirements of Subsection (c).
- (c) An applicant who qualifies under Subsection (b)(3)(B) must:
 - (1) either:
 - (A) have obtained a high school diploma or a high school equivalency certificate; or
 - (B) have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
 - (2) have completed:
 - (A) 1,200 hours of instruction in a manicure/esthetics specialty curriculum in a commission-approved training program; or

- (B) 600 hours of instruction in a manicure curriculum and 750 hours of instruction in an esthetics curriculum in commission-approved training programs.

Section 1602.262. Issuance of License or Certificate

- (a) An applicant for an operator license, instructor license, manicurist specialty license, facialist specialty license, or specialty license in eyelash extension application is entitled to the license if the applicant:
 - (a) An applicant for a license under this chapter is entitled to the license if the applicant:
 - (1) meets the applicable eligibility requirements;
 - (2) passes the applicable examination;
 - (3) pays the required fee;
 - (4) has not committed an act that constitutes a ground for denial of the license; and
 - (5) submits an application on a form prescribed by the department.
 - (b) An applicant for a specialty certificate is entitled to the certificate if the applicant:
 - (1) meets the eligibility requirements;
 - (2) pays the required fee;
 - (3) has not committed an act that constitutes a ground for denial of the certificate; and
 - (4) submits an application on a form prescribed by the department.

Section 1602.266. Student Permit

- (a) The department shall require a student enrolled in a school of cosmetology in this state to hold a permit stating the student's name and the name of the school. The permit shall be displayed in a reasonable manner at the school.
- (b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by the required fee.
- (c) A person holding a student permit may shampoo or condition a person's hair in a facility licensed under this chapter or Chapter 1603.

Section 1602.267. Shampoo Apprentice Permit

- (a) A person holding a shampoo apprentice permit may perform only the practice of cosmetology defined by Section 1602.002(3).
- (c) A shampoo apprentice permit expires on the second anniversary of the date of issuance and may not be renewed.
- (d) The commission shall adopt rules as necessary to administer this section. The commission may not require an applicant to:

- (1) complete any hours of instruction at a cosmetology training program as a prerequisite for the issuance of a shampoo apprentice permit; or
 - (2) pay a fee for a shampoo apprentice permit.
- (f) This section applies only to a person who holds a permit under this section issued to the person before September 1, 2013.

Section 1602.268. Waiver of Certain License Requirements

- (a) The department shall issue a license to an applicant for a license issued under Section 1602.254 if the applicant:
- (1) submits an application on a form prescribed by the department;
 - (2) pays the application fee; and
 - (3) provides proof that the applicant holds a current license to engage in the same or similar activity issued by another state that has license requirements substantially equivalent to those of this state.
- (b) The department may waive any requirement for a license or certificate issued under this chapter, other than a license listed in Subsection (a), for an applicant holding a license from another state that has license requirements substantially equivalent to those of this state.
- (c) A license issued under Subsection (a) must be renewed as provided by Subchapter H.

SUBCHAPTER G. LICENSING OF FACILITIES

Section 1602.301. Facility License Required

- (a) A person may not operate a beauty shop, beauty culture school, specialty shop, or other place of business in which cosmetology is taught or practiced unless the person holds a license to operate that place of business.
- (b) A person may not operate a vocational cosmetology program in a public school or lease space on the premises of a beauty shop, specialty shop, or dual shop to engage in the practice of cosmetology as an independent contractor unless the person holds a license issued under this chapter.
- (c) A person who owns, operates, or manages a beauty shop, specialty shop, or dual shop may employ a person holding a student permit under Section 1602.266 to shampoo or condition a person's hair.

Section 1602.302. Beauty Shop License

- (a) A person holding a beauty shop license may maintain an establishment in which any practice of cosmetology is performed.
- (b) An application for a beauty shop license must be accompanied by the required inspection fee and:
- (1) be on a form prescribed by the department;
 - (2) contain proof of the particular requisites for a beauty shop established by the commission; and
 - (3) be verified by the applicant.

- (c) The applicant is entitled to a beauty shop license if:
 - (1) the application complies with commission rules;
 - (2) the applicant pays the required license fee; and
 - (3) the applicant has not committed an act that constitutes a ground for denial of a license.

Section 1602.303. Private Beauty Culture School License

- (a) A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.
- (b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:
 - (1) be on a form prescribed by the department;
 - (2) be verified by the applicant; and
 - (3) contain a statement that the building:
 - (A) is of permanent construction and is divided into at least two separate areas:
 - (i) one area for instruction in theory; and
 - (ii) one area for clinic work;
 - (B) contains a minimum of:
 - (i) 2,800 square feet of floor space if the building is located in a county with a population of more than 100,000; or
 - (ii) 1,800 square feet of floor space if the building is located in a county with a population of 100,000 or less;
 - (C) has access to permanent restrooms and adequate drinking fountain facilities; and
 - (D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 students.
- (c) The applicant is entitled to a private beauty culture school license if:
 - (1) the department determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;
 - (2) the applicant's facilities pass an inspection conducted by the department under Section 1603.103; and
 - (3) the applicant has not committed an act that constitutes a ground for denial of a license.

Section 1602.304. Public Secondary or Postsecondary Beauty Culture School Certificate

- (a) Each application for a license as a public secondary or public post secondary beauty culture school must be accompanied by the required license fee.

Section 1602.305. Specialty Shop License

- (a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a) (2), (4), (7), (9), (10), or (12) is performed.
- (b) An application for a specialty shop license must be accompanied by the required inspection fee and:
 - (1) be on a form prescribed by the department;
 - (2) contain proof of the particular requisites for a specialty shop as established by the commission; and
 - (3) be verified by the applicant.
- (c) The applicant is entitled to a specialty shop license if:
 - (1) the application complies with commission rules;
 - (2) the applicant pays the required license fee; and
 - (3) the applicant has not committed an act that constitutes a ground for denial of a license.

Section 1602.306. Booth Rental License

- (a) A person licensed or certified under this chapter may not lease space on the premises of a beauty shop to engage in the practice of cosmetology as an independent contractor unless the person also holds a booth rental license issued under this section.
- (b) An application for a booth rental license must:
 - (1) be on a form prescribed by the department;
 - (2) contain information as required by commission rule; and
 - (3) be verified by the applicant.
- (c) The applicant is entitled to a booth rental license if the applicant:
 - (1) pays the application fee set by the commission in an amount reasonable and necessary to cover the costs of administering the booth rental licensing program;
 - (2) complies with commission rules; and
 - (3) has not committed an act that constitutes a ground for denial of a license or certificate.
- (d) The commission shall adopt rules relating to the information submitted for a booth rental license, including information regarding the applicant's compliance with state and federal tax laws.

SUBCHAPTER H. LICENSE RENEWAL

Section 1602.351. Renewal of License or Certificate Required

- (a) Except as provided by Subsections (b) and (c), a license or certificate issued under this chapter expires on the second anniversary of the date the license or certificate is issued.
- (b) A temporary license expires on the 60th day after the date the license is issued. A temporary license may not be renewed.
- (c) A private beauty culture school license or a public secondary or postsecondary beauty culture school license expires on the anniversary of the date the license is issued.

Section 1602.352. Requirement for First Renewal of License

- (a) A person applying to renew a license for the first time must:
 - (1) hold a high school diploma;
 - (2) hold the equivalent of a high school diploma; or
 - (3) have passed an examination that measures the person's ability to benefit from training.

Section 1602.353. Inactive Status

- (a) Not later than the 10th day before the expiration date of a certificate or license issued under this chapter, the certificate or license holder may place the certificate or license on inactive status by:
 - (1) submitting an application for inactive status to the department on a form prescribed by the department; and
 - (2) paying the required fee.
- (b) Except as provided by Subsection (e), a person whose certificate or license is on inactive status is not required to complete continuing education required under this chapter.
- (c) A person whose certificate or license is on inactive status may reapply for inactive status before the expiration date of the certificate or license. The person must pay the required fee.
- (d) A license holder may not employ a person on inactive status.
- (e) A person on inactive status may return the certificate or license to active status by:
 - (1) applying to the department for active status on a form prescribed by the department;
 - (2) paying the required fee, and
 - (3) providing evidence satisfactory to the department that the person has completed the number of hours of continuing education that would otherwise have been required for a renewal of an active license for the preceding two-year license period.
- (f) The commission may set fees and adopt rules to implement this section.

Section 1602.354. Continuing Education

- (a) The commission will by rule recognize, prepare, or administer continuing education programs for the practice of cosmetology. Participation in the programs is mandatory for all license renewals other than renewal of a shampoo specialty certificate.
- (b) The commission may only require a license holder to complete continuing education of not more than four hours in health and safety courses if the license holder:
 - (1) is at least 65 years of age; and
 - (2) has held a cosmetology license for at least 15 years.

SUBCHAPTER I. PRACTICE BY LICENSING HOLDER

Section 1602.401. Display of Certificate or License

A person holding a license or certificate issued under this chapter shall display the license or certificate in the person's place of business or employment.

Section 1602.402. License or Certificate Not Transferable

A license or certificate issued under this chapter is not transferable.

Section 1602.403. Employment of License or Certificate Holder

- (a) A private beauty culture school may not employ:
 - (1) a person holding an operator license, manicurist specialty license, or specialty certificate solely to perform the practices of cosmetology for which the person is licensed or certified; or
 - (2) a person holding an instructor license to perform any act or practice of cosmetology.
- (c) A person holding a beauty shop license or specialty shop license may not employ:
 - (1) a person as an operator or specialist or lease to a person who acts as an operator or specialist unless the person holds a license or certificate under this chapter or under Chapter 1601; or
 - (2) a person to shampoo or condition a person's hair unless the person holds a shampoo apprentice permit or student permit.

Section 1602.404. Operating Certain Shops or Schools on Single Premises

A person may not operate a beauty shop, specialty shop, or private beauty culture school on the same premises as another one of those facilities unless the facilities are separated by walls of permanent construction without an opening between the facilities.

Section 1602.405. Practice at Facility Licensed or Permitted as Barber and Cosmetologist Facility

- (a) The commission may not adopt rules to restrict or prohibit practice by a cosmetologist in a facility solely because the facility is licensed or permitted by the department under both this chapter and Chapter 1601.

- (b) If a facility has a license or permit under both this chapter and Chapter 1601, the commission may not adopt rules requiring separate treatment of the barbers and cosmetologists practicing in the facility or of their customers, including separate:
 - (1) work areas for barbers and cosmetologists;
 - (2) waiting areas for customers of the barbers and cosmetologists; or
 - (3) restrooms for the barbers and cosmetologists practicing in the facility or for their customers.

Section 1602.406. Infectious and Contagious Diseases

- (a) A person holding an operator license, instructor license, or specialty certificate may not perform any practice of cosmetology if the person knows the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).
- (b) A person holding a beauty shop license, specialty shop license, private beauty culture school license, or license to operate a vocational cosmetology program in a public school may not employ a person to perform any practice of cosmetology if the license holder knows that the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the Americans with Disabilities Act of 1990.

Section 1602.407. Service at Unlicensed Location

- (a) In this section, "licensed facility" means the premises of a place of business that holds a license, certificate, or permit under this chapter or Chapter 1603.
- (b) A person holding a license, certificate, or permit under this chapter may perform a service within the scope of the license, certificate, or permit at a location other than a licensed facility for a client who, because of illness or physical or mental incapacitation, is unable to receive the services at a licensed facility.
- (c) An appointment for a service performed under this section must be made through a licensed facility.

SUBCHAPTER J. OPERATION OF A BEAUTY CULTURE SCHOOL

Section 1602.451. Duties of a License Holder

- (a) The holder of a private beauty culture school license shall:
 - (1) maintain a sanitary establishment;
 - (2) maintain on duty one licensed instructor for each 25 students in attendance;
 - (3) maintain a daily record of students' attendance;
 - (4) establish regular class and instruction hours and grades;
 - (5) require a school term of not less than nine months and not less than 1,500 hours instruction for a complete course in cosmetology;
 - (6) require a school term of not less than 600 hours instruction for a complete course in manicuring;

- (7) hold examinations before issuing diplomas;
 - (8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;
 - (9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; and
 - (10) provide the department with information on:
 - (A) the current course completion rates of students who attend a course of instruction offered by the school; and
 - (B) job placement rates and employment rates of students who complete the course of instruction.
- (b) The holder of a private beauty culture school license may not require a student to work, be instructed, or earn credit for more than 48 hours in a calendar week.

Section 1602.452. Information Provided to Prospective Student

The holder of a private beauty culture school license shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the refund policy required under Section 1602.458;
- (4) the school grading policy and rules relating to incomplete grades;
- (5) the school rules of operation and conduct, including rules relating to absences;
- (6) the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department; and
- (7) the current rates of job placement and employment of students who complete a course of training.

Section 1602.453. Course Length and Curriculum Content

- (a) A private beauty culture school shall design course length and curriculum content to reasonably ensure that a student develops the job skills and knowledge necessary for employment.
- (b) A school must submit to the commission for approval the course length and curriculum content for each course offered by the school. The school may implement a course length and curriculum content only after approval by the commission.
- (c) Before issuing or renewing a license under this chapter, the department shall require a school to account for each course length and curriculum content.
- (d) If a school manipulates a course length below or above industry standards, the commission shall place the school on probation until:

- (1) justification for the deviation is proven; or
- (2) the course length is adjusted to meet industry standards.

Section 1602.454. Student Record

A private beauty culture school shall notify the department when a student graduates from a course of training offered by the school and is eligible to take the appropriate examination.

Section 1602.455. Transfer of Hours of Instruction

- (a) A student of a private beauty culture school or a vocational cosmetology program in a public school may transfer completed hours of instruction to a private beauty culture school or a vocational cosmetology program in a public school in this state.
- (b) In order for the hours of instruction to be transferred, a transcript showing the completed courses and number of hours certified by the school in which the instruction was given must be submitted to the executive director.
- (c) In evaluating a student's transcript, the executive director shall determine whether the agreed tuition has been paid. If the tuition has not been paid, the executive director shall notify the student that the student's transcript cannot be certified to the school to which the student seeks a transfer until proof is provided that the tuition has been paid.
- (d) On evaluation and approval, the executive director shall certify in writing to the student and to the school to which the student seeks a transfer that:
 - (1) the stated courses and hours have been successfully completed; and
 - (2) the student is not required to repeat the hours of instruction.
- (e) If a private beauty culture school license has been expired for more than 30 days, a student of that school may not transfer hours of instruction the student completed at that school.

Section 1602.456. Identification of and Work Performed by Students

- (a) Each private beauty culture school or vocational cosmetology program in a public school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are enrolled in cosmetology courses.
- (b) A private beauty culture school or public school may not receive compensation for work done by a student unless the student has completed 10 percent of the required number of hours for a license under this chapter.
- (b-1) A private beauty culture school or public school in which a student permit holder is enrolled may not receive compensation for services performed under Section 1602.266(c).
- (c) If a private beauty culture school or public school violates this section, the license of the private beauty culture school or the certificate of the public school may be revoked or suspended.

Section 1602.457. Cancellation and Settlement Policy

The holder of a private beauty culture school license shall maintain a cancellation and settlement policy that provides a full refund of money paid by a student if the student:

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

Section 1602.458. Refund Policy

- (a) The holder of a private beauty culture school license shall maintain a refund policy to provide for the refund of any unused part of tuition, fees, and other charges paid by a student who, at the expiration of the cancellation period established under Section 1602.457:
 - (1) fails to enter the course of training;
 - (2) withdraws from the course of training; or
 - (3) is terminated from the course of training before completion of the course.
- (b) The refund policy must provide that:
 - (1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in scheduled hours, as specified by an enrollment agreement, contract, or other document acceptable to the department;
 - (2) the effective date of the termination for refund purposes is the earliest of:
 - (A) the last date of attendance, if the student is terminated by the school;
 - (B) the date the license holder receives the student's written notice of withdrawal; or
 - (C) 10 school days after the last date of attendance; and
 - (3) the school may retain not more than \$100 if:
 - (A) tuition is collected before the course of training begins; and
 - (B) the student fails to withdraw from the course of training before the cancellation period expires.

Section 1602.459. Withdrawal or Termination of Student

- (a) If a student begins a course of training at a private beauty culture school that is scheduled to run not more than 12 months and, during the last 50 percent of the course, withdraws from the course or is terminated by the school, the school:
 - (1) may retain 100 percent of the tuition and fees paid by the student; and

- (2) is not obligated to refund any additional outstanding tuition.
- (b) If a student begins a course of training at a private beauty culture school that is scheduled to run not more than 12 months and, before the last 50 percent of the course, withdraws from the course or is terminated by the school, the school shall refund:
- (1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first one-tenth of the course, whichever period is shorter;
 - (2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first one-tenth of the course, whichever period is shorter, but within the first three weeks of the course;
 - (3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and
 - (4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course.
- (c) A refund owed under this section must be paid not later than the 30th day after the date the student becomes eligible for the refund.

Section 1602.460. Interest on Refund

- (a) If tuition is not refunded within the period required by Section 1602.459, the school shall pay interest on the amount of the refund for the period beginning the first day after the date the refund period expires and ending the day preceding the date the refund is made.
- (b) If tuition is refunded to a lending institution, the interest shall be paid to that institution and applied against the student's loan.
- (c) The commissioner of education shall annually set the interest rate at a rate sufficient to deter a school from retaining money paid by a student.
- (d) The department may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department on request documentation of the effort to locate the student.

Section 1602.461. Reentry of Student After Withdrawal or Termination

If a student voluntarily withdraws or is terminated after completing 50 percent of the course at a private beauty culture school, the school shall allow the student to reenter at any time during the 48-month period following the date of withdrawal or termination.

Section 1602.462. Effect of Student Withdrawal

- (a) A private beauty culture school shall record a grade of incomplete for a student who withdraws but is not entitled to a refund under Section 1602.459(a) if the student:
 - (1) requests the grade at the time the student withdraws; and

- (2) withdraws for an appropriate reason unrelated to the student's academic status.
- (b) A student who receives a grade of incomplete may reenroll in the program during the 48-month period following the date the student withdraws and complete the subjects without payment of additional tuition.

Section 1602.463. Effect of School Closure

- (a) If a private beauty culture school closes, the department shall attempt to arrange for students enrolled in the closed school to attend another private beauty culture school.
- (b) If a student from a closed school is placed in a private beauty culture school, the expense incurred by the school in providing training directly related to educating the student, including the applicable tuition for the period for which the student paid tuition, shall be paid from the private beauty culture school tuition protection account.
- (c) If a student from a closed school cannot be placed in another school, the student's tuition and fees shall be refunded as provided by Section 1602.458. If a student from a closed school does not accept a place that is available and reasonable in another school, the student's tuition and fees shall be refunded under the refund policy maintained by the closed school under Section 1602.459. A refund under this subsection shall be paid from the private beauty culture school tuition protection account. The amount of the refund may not exceed \$35,000.
- (d) If another school assumes responsibility for the closed school's students and there are no significant changes in the quality of the training, the student from the closed school is not entitled to a refund under Subsection (c).

Section 1602.464. Private Beauty Culture School Tuition Protection Account

- (a) If on January 1 of any year the amount in the private beauty culture school tuition protection account is less than \$200,000, the department shall collect a fee from each private beauty culture school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$200,000.
- (b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the department for the purpose described by Section 1602.463. The department shall administer claims made against the account.
- (c) Attorney's fees, court costs, or damages may not be paid from the account.

Section 1602.465. Peer Review

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

- (c) The team shall provide the department with an objective assessment of the content of the school's curriculum and its application.
- (d) The school under review shall pay the costs of the peer review.

NOTE: Per SB 972, 83rd Leg, (2013), Subchapter L, Other Penalties and Enforcement Provisions was repealed effective May 18, 2013, but will remain in effect for offenses committed before May 18, 2013.

AS AMENDED BY ACTS 2013, 83rd LEG., SB 972, SECTION 6 READS:

The repeal of an offense by this Act does not apply to an offense committed before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

NOTE: AS AMENDED BY ACTS 2013, 83rd LEG., HB 2095, SECTION 25(b), (c), and (d) READS:

- (b) *The Texas Department of Licensing and Regulation may not issue an original shampoo specialty certificate on or after September 1, 2013.*
- (c) *A person holding a shampoo apprentice permit under Section 1601.261 or 1602.267, Occupations Code, on the effective date of this Act may continue to provide services under the permit as provided by Chapter 1601 or 1602, Occupations Code, as appropriate.*
- (d) *The Texas Department of Licensing and Regulation may not issue an original shampoo apprentice permit on or after September 1, 2013.*

NOTE: AS AMENDED BY ACTS 2013, 83rd LEG., HB 619, SECTION 4 READS:

The changes in law made by this Act apply only to an application for the issuance of a license or certificate under Chapters 1601 and 1602, Occupations Code, as amended by this Act, that is filed with the Texas Department of Licensing and Regulation on or after the effective date of this Act. An application for the issuance of a license or certificate that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.