

1 AN ACT

2 relating to sanitation requirements for certain barbering and
3 cosmetology services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1601.506, Occupations Code, is amended
6 by adding Subsections (e) and (f) to read as follows:

7 (e) A person who holds a license, certificate, or permit
8 issued under this chapter and who performs a barbering service
9 described by Section 1601.002(1)(E) or (F):

10 (1) shall, before performing the service, disinfect
11 and sterilize with an autoclave or a dry heat, ultraviolet, or other
12 board-approved sterilizer each nondisposable instrument used to
13 perform the service; and

14 (2) may use a disposable supply or instrument only if
15 that supply or instrument is purchased at the location where the
16 service is performed or provided by the person on whom the service
17 is performed.

18 (f) The owner or manager of a barbershop, specialty shop, or
19 barber school is responsible for providing an autoclave or a dry
20 heat, ultraviolet, or other board-approved sterilizer for use in
21 the shop or school as required by Subsection (e). An autoclave or a
22 dry heat, ultraviolet, or other board-approved sterilizer used as
23 required by Subsection (e) must be:

24 (1) registered and listed with the federal Food and

1 Drug Administration; and

2 (2) used in accordance with the manufacturer's
3 instructions.

4 SECTION 2. Subchapter I, Chapter 1602, Occupations Code, is
5 amended by adding Section 1602.408 to read as follows:

6 Sec. 1602.408. SANITATION REQUIREMENTS FOR CERTAIN
7 SERVICES. (a) A person who holds a license, certificate, or permit
8 issued under this chapter and who performs a cosmetology service
9 described by Section 1602.002(10) or (11):

10 (1) shall, before performing the service, disinfect
11 and sterilize with an autoclave or a dry heat, ultraviolet, or other
12 commission-approved sterilizer each nondisposable instrument used
13 to perform the service; and

14 (2) may use a disposable supply or instrument only if
15 that supply or instrument is purchased at the location where the
16 service is performed or provided by the person on whom the service
17 is performed.

18 (b) The owner or manager of a beauty shop, specialty shop,
19 or beauty culture school is responsible for providing an autoclave
20 or a dry heat, ultraviolet, or other commission-approved sterilizer
21 for use in the shop or school as required by Subsection (a). An
22 autoclave or a dry heat, ultraviolet, or other commission-approved
23 sterilizer used as required by Subsection (a) must be:

24 (1) registered and listed with the federal Food and
25 Drug Administration; and

26 (2) used in accordance with the manufacturer's
27 instructions.

1 SECTION 3. This Act takes effect January 1, 2006.

David Newkum

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 1304 was passed by the House on April 19, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1304 on May 18, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1304 was passed by the Senate, with amendments, on May 17, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Saw
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

Roger Williams
Secretary of State