

## AN ACT

relating to inactive status for cosmetology certificate or license holders.

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

SECTION 1. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. INACTIVE STATUS. (a) The holder of a certificate or license issued under this chapter may place the holder's certificate or license on inactive status by:

(1) applying to the commission on a form prescribed by the commission not later than the 10th day before the date the certificate or license expires; and

(2) paying the required fee.

(b) The holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) To maintain inactive status, the holder of a certificate or license must reapply for inactive status on or before the second anniversary of the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) The holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section may not perform or attempt to perform the practice of cosmetology.

1       (e) The holder of an instructor's license that has been  
2 placed on inactive status may not teach or attempt to teach  
3 cosmetology at a private beauty culture school or in a vocational  
4 cosmetology program in a public school.

5       (f) The holder of a license to operate a vocational  
6 cosmetology program in a public school, or a beauty shop, beauty  
7 culture school, specialty shop, or other place of business in which  
8 cosmetology is taught or practiced under this chapter, may not  
9 employ a person to perform the practice of cosmetology or to teach  
10 as an instructor if the person's certificate or license has been  
11 placed on inactive status.

12       (g) A person whose certificate or license is on inactive  
13 status under this section may return the person's certificate or  
14 license to active status by:

15               (1) applying to the commission for reinstatement of  
16 the certificate or license on the form prescribed by the  
17 commission;

18               (2) submitting written documentation that the person  
19 has completed applicable continuing education requirements under  
20 this chapter within the preceding two years; and

21               (3) paying the required certificate or license fee.

22       SECTION 2. (a) Not later than January 1, 2006, the Texas  
23 Cosmetology Commission shall adopt the forms, rules, and procedures  
24 necessary to implement Section 1602.353, Occupations Code, as added  
25 by this Act.

26       (b) Notwithstanding Section 1602.353, Occupations Code, as  
27 added by this Act, a person may not apply to have the person's

1 certificate or license placed on inactive status under that section  
2 before January 1, 2006.

3 SECTION 3. This Act takes effect September 1, 2005.

David Swinhart

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 3149 was passed by the House on May 10, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3149 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:20 AM O'CLOCK

JUN 18 2005  
Roger Williams  
Secretary of State