

# COSMETOLOGISTS

*Administrative Rules*

*16 Texas Administrative Code, Chapter 83*

## TABLE OF CONTENTS

83.1.	Authority.....	1
83.10.	Definitions.....	1
83.20.	License Requirements--Individuals.....	3
83.21.	License Requirements--Examinations.....	5
83.22.	License Requirements--Beauty Salons, Specialty Salons, Mini-Salons, Dual Shops, Mini-Dual Shops, Mobile Shops, and Booth Rentals (Independent Contractors).....	6
83.23.	License Requirements--Beauty Culture Schools.....	7
83.24.	Inactive Status.....	8
83.25.	License Requirements--Continuing Education.....	8
83.26.	License Requirements--Renewals.....	10
83.28.	Reciprocity or Endorsement and Provisional Licensure.....	10
83.29.	Establishment Relocation, Change of Ownership, Owner Death or Incompetency.....	12
83.31.	Licenses--License Terms.....	12
83.40.	Private Beauty Culture School Tuition Protection Account.....	13
83.50.	Inspections--General.....	14
83.51.	Initial Inspections--Inspection of Beauty Culture Schools Before Operation.....	15
83.52.	Periodic Inspections.....	15
83.53.	Risk-based Inspections.....	15
83.54.	Corrective Modifications Following Inspection.....	17
83.65.	Advisory Board on Cosmetology.....	17
83.70.	Responsibilities of Individuals.....	17
83.71.	Responsibilities of Beauty Salons, Mini-Salons, Specialty Salons, Dual Shops, Mini-Dual Shops and Booth Rentals.....	18
83.72.	Responsibilities of Beauty Culture Schools.....	21
83.73.	Responsibilities of Students.....	25
83.74.	Responsibilities--Withdrawal, Termination, Transfer, School Closure.....	25
83.78.	Responsibilities of Mobile Shops.....	26
83.80.	Fees.....	27
83.90.	Administrative Sanctions and Penalties.....	28
83.100.	Health and Safety Definitions.....	28
83.101.	Health and Safety Standards--Department-Approved Disinfectants.....	29
83.102.	Health and Safety Standards--General Requirements.....	30
83.103.	Health and Safety Standards--Hair Cutting, Styling, Shaving, and Treatment Services.....	31
83.104.	Health and Safety Standards--Esthetician Services.....	31
83.105.	Health and Safety Standards--Temporary Hair Removal Services.....	32
83.106.	Health and Safety Standards--Manicure and Pedicure Services.....	32
83.107.	Health and Safety Standards--Electric Drill Bits.....	33
83.108.	Health and Safety Standards--Footspas, Foot Basins, and Spa Liners.....	33
83.109.	Health and Safety Standards--Wig and Hairpiece Services.....	35
83.110.	Health and Safety Standards--Hair Weaving and Hair Braiding Services.....	36
83.111.	Health and Safety Standards--Blood and Body Fluids.....	36
83.112.	Health and Safety Standards--Prohibited Products or Practices.....	36

<b>83.113. Health and Safety Standards--FDA.</b> .....	37
<b>83.114. Health and Safety Standards--Establishments.</b> .....	37
<b>83.115. Health and Safety Standards--Eyelash Extension Application Services.</b> .....	37
<b>83.120. Technical Requirements--Curriculum.</b> .....	38

**83.1. Authority.** *(Adopted effective December 8, 2005, 30 TexReg 8082)*

These rules are promulgated under the authority of the Texas Occupations Code, Chapters 51, 1602 and 1603.

**83.10. Definitions.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

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 1602 and 1603.
- (2) **Beauty Culture School**--A cosmetology school, public or private that is subject to regulation under the Act.
- (3) **Board**--The Advisory Board on Cosmetology.
- (4) **Booth rental license**--A license issued or renewed to an applicant the same time the applicant is issued one of the following license types: operator, manicurist, esthetician, esthetician/manicurist, eyelash extension specialist, hair weaver, hair braider, wig specialist, instructor, or specialty instructor, which allows the holder to lease space on the premises of a beauty shop, specialty shop, mini-salon, dual shop, or mini-dual shop to engage in the practice of cosmetology as an independent contractor.
- (5) **Department**--The Texas Department of Licensing and Regulation.
- (6) **Commission**--The Texas Commission of Licensing and Regulation.
- (7) **Common Area**--An area within a cosmetology establishment which contains equipment and facilities available for use by all persons who practice cosmetology on the premises under a license, certificate or permit issued under this chapter or Texas Occupations Code, Chapter 1603.
- (8) **Cosmetology establishment**--A beauty salon, specialty salon, mini-salon, dual shop, mini dual-shop, mobile shop, or beauty culture school, public or private, that is subject to regulation under the Act.
- (9) **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.
- (10) **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.
- (11) **Eyelash Extension Application**--The process of applying and removing a semi-permanent, thread-like, natural or synthetic single fiber to an eyelash, including cleansing of the eye area and lashes prior to applying and after removing extensions.
- (12) **Eyelash Extension Specialist**--A person who holds a specialty license and who is authorized to practice the service defined in Texas Occupations Code §1602.002(a)(12).
- (13) **Esthetician**--A person who holds a specialty license and who is authorized to practice the services defined in Texas Occupations Code §1602.002(a)(6) - (9) and (12). The term esthetician in this chapter includes the term facialist.
- (14) **Esthetician/Manicurist**--An esthetician/manicurist may perform only those services defined in Texas Occupations Code §1602.002(a)(6) - (12).

- (15) **Guest Presenter**--A person who possesses subject matter knowledge in specific curriculum topics and who has the teaching ability necessary to impart the information to cosmetology students. Instruction is limited to the presenter's area of expertise and a licensed instructor must be present during the classroom session in order for students to earn hours.
- (16) **Hair braider**--A person who holds a hair braiding specialty certificate and who may perform only the practice of cosmetology defined in Texas Occupations Code §1602.002(a)(2).
- (17) **Hair weaver**--A person who holds a hair weaving specialty certificate and who may perform only the practice of cosmetology defined in Texas Occupations Code §1602.002(a)(2), (3), and (13).
- (18) **Instructor**--An individual authorized by the department to perform or offer instruction in any act or practice of cosmetology under Texas Occupations Code, §1602.002.
- (19) **Law and Rules Book**--Texas Occupations Code, Chapters 1602 and 1603, and 16 Texas Administrative Code, Chapter 83.
- (20) **License**--A department-issued permit, certificate, approval, registration, or other similar permission required under Texas Occupations Code, Chapter 1601, 1602, or 1603.
- (21) **License by reciprocity**--A process that permits a cosmetology license holder from another jurisdiction or foreign country to obtain a Texas cosmetology license without repeating cosmetology education or examination license requirements.
- (22) **Manicurist**--A manicurist may perform only those services defined in Texas Occupations Code §1602.002(a)(10) and (11).
- (23) **Mini-Salon**--A cosmetology establishment in which a person practices cosmetology 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.
- (24) **Mini-Dual Shop**--A shop owned, operated, or managed by a person meeting the requirements of both a mini-barbershop and mini-beauty shop license under Texas Occupations Code §1603.207.
- (25) **Mini-Salon Licensee**--A person or entity that holds a license for a mini-salon or mini-dual shop. The mini-salon licensee shall be responsible for rules under Texas Occupations Code, Chapters 1601, 1602, and 1603, and 16 TAC Chapters 82 and 83 for the mini-salon or mini-dual shop.
- (26) **Mobile Shop**--A beauty salon, specialty salon, or dual shop that is operated in a self-contained, self-supporting, enclosed mobile unit.
- (27) **Operator**--An individual authorized by the department to perform any act or practice of cosmetology under Texas Occupations Code, §1602.002.
- (28) **Preparation**--A substance used to beautify a person's face, neck or arms or to temporarily remove superfluous hair from a person's body including but not limited to antiseptics, tonics, lotions, powders, oils, clays, creams, sugars, waxes and/or chemicals.
- (29) **Provisional license**--A license that allows a person to practice cosmetology in Texas pending the department's approval or denial of that person's application for licensure by reciprocity.
- (30) **Self-Contained**--Containing within itself all that is necessary to be able to operate without connecting to outside utilities such as water and electricity.
- (31) **Safety Razor**--A razor that is fitted with a guard close to the cutting edge of the razor that is intended to prevent the razor from cutting too deeply and reduces the risk and incidence of accidental cuts.

- (32) **Shampoo Apprentice**--A person authorized to perform the practice of cosmetology as defined in Texas Occupations Code §1602.002(a)(3), relating to shampooing and conditioning a person's hair.
- (33) **Specialty Instructor**--An individual authorized by the department to perform or offer instruction in an act or practice of cosmetology limited to Texas Occupations Code, §1602.002(a)(7), (9), (10) and/or (12).
- (34) **Specialty Salon**--A cosmetology establishment in which only the practice of cosmetology as defined in Texas Occupations Code, §1602.002(a)(2), (4), (7), (9), (10), (12), or (13) is performed. Specialty salons may only perform the act or practice of cosmetology in which the salon is licensed.
- (35) **Student Permit**--A permit issued by the department to a student enrolled in cosmetology 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 1602 and 1603.
- (36) **Tweezing Technique**--Any type of temporary hair removal procedure involving the extraction of hair from the hair follicle by use of, but not limited to, an instrument, appliance or implement made of metal, plastic, thread or other material.
- (37) **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.
- (38) **Wet disinfectant soaking container**--A container with a cover to prevent contamination of the disinfectant solution and of a sufficient size such that the objects to be disinfected may be completely immersed in the disinfectant solution.
- (39) **Wig Specialist**--A person who holds a wig specialty certificate and who may perform only the practice of cosmetology defined in Texas Occupations Code §1602.002(a)(4).

**83.20. License Requirements--Individuals.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520)*

- (a) To be eligible for an operator license an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) pay the fee required under §83.80;
  - (3) be at least 17 years of age;
  - (4) 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;
  - (5) have completed the following hours of cosmetology curriculum in a licensed beauty culture school either:
    - (A) 1,500 hours of instruction in a 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 department in a vocational or career and technical cosmetology program in a public school; or
    - (C) 300 hours of instruction in cosmetology through a commission-approved training program in a beauty culture school and hold an active Class A barber certificate; and

- (6) pass a written and practical examination required under §83.21.
- (b) To be eligible for an esthetician, manicurist, or esthetician/manicurist specialty license an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) pay the required fee under §83.80;
  - (3) be at least 17 years of age;
  - (4) 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;
  - (5) have completed the following hours of cosmetology curriculum in a licensed beauty culture school:
    - (A) for an esthetician specialty license, 750 hours of instruction;
    - (B) for a manicurist specialty license, 600 hours of instruction;
    - (C) for an esthetician/manicurist specialty license; either:
      - (i) 1,200 hours of esthetician/manicure specialty instruction; or
      - (ii) 750 hours of esthetician instruction; and
      - (iii) 600 hours of manicure instruction; and
  - (6) pass a written and practical examination required under §83.21.
- (c) A person who holds both an active esthetician license and an active manicurist license is eligible for an esthetician/manicurist specialty license by submitting a completed application on a department-approved form and paying the required fee under §83.80.
- (d) To be eligible for an eyelash extension specialty license an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) pay the fee required under §83.80;
  - (3) be at least 17 years of age;
  - (4) 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
    - (A) have satisfactorily completed 320 hours of instruction in a department-approved eyelash extension application training program; and
    - (B) pass a written and practical examination required under §83.21.
- (e) To be eligible for a hair weaving specialty certificate, hair braiding specialty certificate, or wig specialty certificate an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) pay the fee required under §83.80;

- (3) be at least 17 years of age;
  - (4) have completed the following hours of cosmetology curriculum in a beauty culture school:
    - (A) for a hair weaving specialty certificate, 300 hours of instruction completed in not less than eight weeks from date of enrollment;
    - (B) for a hair braiding specialty certificate, 35 hours of instruction; or
    - (C) for a wig specialty certificate, 300 hours of instruction completed in not less than eight weeks from date of enrollment; and
  - (5) for a hair weaving specialty certificate or wig specialty certificate pass a written and practical examination required under §83.21. No examination is required for a hair braiding specialty certificate.
- (f) To be eligible for an instructor or specialty instructor license an applicant must:
- (1) submit a completed application on a department-approved form;
  - (2) pay the fee required under §83.80;
  - (3) be at least 18 years of age;
  - (4) have a high school diploma or a high school equivalency certificate;
  - (5) either hold an active operator license under this chapter for an instructor license or hold an active esthetician, manicure, esthetician/manicure or eyelash extension license for an instructor specialty license; and
    - (A) have completed a course consisting of 750 hours of instruction in methods of teaching in a licensed private beauty culture school or a vocational training program of a publicly financed postsecondary institution; or
    - (B) either have at least one year of verifiable work experience as a licensed operator for an instructor license or have at least one year of verifiable licensed experience in the specialty in which the applicant is seeking licensure for a specialty instructor license; and
      - (i) have completed 500 hours of instruction in cosmetology in a commission-approved training program; or
      - (ii) have completed 15 semester hours in education courses through an accredited college or university within the 10 years before the date of application; or
      - (iii) have obtained a degree in education from an accredited college or university; and
  - (6) pass a written and practical examination required under §83.21.
- (g) To be eligible for a student permit an applicant must:
- (1) submit a completed application on a department-approved form; and
  - (2) pay the fee required under §83.80.
- (h) A license application is valid for one year from the date it is filed with the department.

**83.21. License Requirements--Examinations.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March*

- (a) To be eligible for a department examination, an examinee must:
  - (1) submit a completed license application on a department-approved form;
  - (2) pay the applicable license fee under §83.80; and
  - (3) have completed the number of curriculum hours required under this chapter and the Act.
- (b) For an operator license, a student enrolled in a 1,500 hour program is eligible to take the written examination when the department receives proof of the student's completion of 1,000 operator curriculum hours. A student enrolled in a 1,000 hour program is eligible to take the written examination when the department receives proof of the student's completion of 900 operator curriculum hours.
- (c) Applicants must pass the written examination before being eligible to take the practical examination.
- (d) When appearing for an examination, the examinee shall bring the instruments necessary to give a practical demonstration of cosmetology services or a practical demonstration of the services distinctive to his or her specialty.
- (e) 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.
- (f) 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.
- (g) Examinees are required to wear closed toe shoes for the practical examination.
- (h) Models used in an examination are required to be at least 16 years of age. The department may require parental approval for models under 18 years of age.

**83.22. License Requirements--Beauty Salons, Specialty Salons, Mini-Salons, Dual Shops, Mini-Dual Shops, Mobile Shops, and Booth Rentals (Independent Contractors).** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280 amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective December 15, 2010, 35 TexReg 10956; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) To be eligible for a beauty salon, specialty salon, dual shop, mobile shop, or booth rental license, an applicant must:
  - (1) obtain the current law and rules book;
  - (2) comply with the requirements of the Act and this chapter;
  - (3) submit a completed application on a department-approved form; and
  - (4) pay the fee required under §83.80.
- (b) To be eligible for a mini-salon or mini-dual shop license on or after November 1, 2014, an applicant must:
  - (1) obtain the current law and rules book;
  - (2) comply with the requirements of the Act and this chapter;
  - (3) submit a completed application on a department-approved form; and
  - (4) pay the fee required under §83.80.



- (c) In addition to the requirements of subsection (a), an applicant for a dual shop must also comply with Texas Occupations Code, Chapters 1601, 1602, and 1603 and 16 TAC Chapters 82 and 83 for obtaining a beauty salon license and a barbershop permit.
- (d) In addition to the requirements of subsection (b), an applicant for a mini-dual shop must also comply with Texas Occupations Code, Chapters 1601, 1602, and 1603 and 16 TAC Chapters 82 and 83 for obtaining a beauty salon license and a barbershop permit.
- (e) In addition to the requirements of subsection (a), a mobile shop license 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.
- (f) To be eligible for a temporary beauty salon, specialty salon, or dual shop license, an applicant must:
  - (1) obtain the current law and rules book;
  - (2) comply with the requirements of the Act, this chapter and if applicable, Texas Occupations Code, Chapter 1601 and 16 TAC Chapter 82;
  - (3) submit a completed application on a department-approved form;
  - (4) pay the fee required under §83.80; and
  - (5) hold an active department-issued cosmetology operator license, specialty license, or certificate.
- (g) A temporary license may not be issued for more than one physical address.
- (h) A temporary license expires on the 60<sup>th</sup> day after the date the license is issued and may not be renewed.
- (i) An applicant who is issued a license under subsection (f) is not eligible for another temporary license until one year after the date the previous license was issued.

**83.23. License Requirements--Beauty Culture Schools.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective February 17, 2012, 37 TexReg 681)*

- (a) To be eligible for a beauty culture school license, an applicant must:
  - (1) obtain the current law and rules book;
  - (2) comply with the requirements of the Act and this chapter;
  - (3) submit a completed application on a department-approved form;
  - (4) one of the following:
    - (A) for a private beauty culture school, pay the applicable license and inspection fees required under §83.80 and any required fee under §83.40; or
    - (B) for a public beauty culture school, pay the applicable inspection fee required under §83.80; and

- (5) for a private beauty culture school, provide a current financial statement prepared by a certified public accountant. If the financial statement is more than 180 days old, an applicant must also provide a supplemental financial statement within 180 days of the application.
- (b) A beauty culture school must be inspected and approved by the department prior to the operation of the school.
- (c) Private beauty culture schools must have and maintain the following:
  - (1) a building of permanent construction that must include two separate areas, one area for instruction in theory and one area for clinic work, and that must also include access to permanent restrooms and adequate drinking fountain facilities;
  - (2) In counties with populations of 100,000 or less, the building must have a minimum of 1,800 square feet of floor space. In counties with populations of more than 100,000, the building must have a minimum of 2,800 square feet of floor space. Population shall be determined according to the current decennial data compiled by the United States Census Bureau.
  - (3) equipment established by the department sufficient to instruct a minimum of 10 students;
  - (4) proof of ownership of building or proof of a lease for the first 12 months of operation; and
  - (5) a copy of the curriculum approved by the department for each course offered.
- (d) Public beauty culture schools must have and maintain the following:
  - (1) not less than 2,200 square feet that includes office, dispensary, locker room, classroom and laboratory space;
  - (2) equipment required by the department; and
  - (3) a copy of the curriculum approved by the department for each course offered.

**83.24. Inactive Status.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280)*

- (a) To change a license to inactive status, an applicant must:
  - (1) submit a completed application on a department-approved form; and
  - (2) pay the fee required under §83.80.
- (b) A person whose license is on inactive status may not practice cosmetology authorized by that license.
- (c) A license on inactive status must be renewed in accordance with §83.26; however, continuing education is not required for renewal of a license on inactive status.
- (d) To change from an inactive license to an active license, an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) pay the fee required under §83.80; and
  - (3) complete the continuing education that is required for the renewal of an active license during the preceding license period. Continuing education hours used to satisfy the requirement for changing from an inactive license status to an active license status may not also be utilized for a future renewal of an active license.

**83.25. License Requirements--Continuing Education.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007,*

- (a) Terms used in this section have the meanings assigned by Chapter 59 of this title (relating to Continuing Education Requirements), unless the context indicates otherwise.
- (b) To renew an operator license, or an esthetician, manicurist, esthetician/manicurist or a hair weaving, hair braiding, or wig specialty certificate that expires prior to September 1, 2012, a licensee must complete a total of 6 hours of continuing education through department-approved courses. The continuing education hours must include the following:
  - (1) 2 hours in Sanitation required under the Act and this chapter;
  - (2) 2 hours in the Act and this chapter addressing topics other than Sanitation; and
  - (3) 2 hours in any topics listed in subsection (i).
- (c) To renew an operator license, or an esthetician, manicurist, esthetician/manicurist or eyelash extension specialty license, or a hair weaving, hair braiding, or wig specialty certificate that expires on or after September 1, 2012, a licensee must complete a total of 4 hours of continuing education through department-approved courses. The continuing education hours must include the following:
  - (1) 1 hour in Sanitation required under the Act and this chapter; and
  - (2) 3 hours in any topics listed in subsection (i).
- (d) To renew an instructor license, an esthetician instructor, manicure instructor, or esthetician/manicure instructor license, that expires prior to September 1, 2012, a licensee must complete a total of 6 hours of continuing education through department-approved courses. The continuing education hours must include the following:
  - (1) 2 hours in Sanitation required under the Act and this chapter;
  - (2) 2 hours in the Act and this chapter, addressing topics other than Sanitation; and
  - (3) 2 hours in methods of teaching in accordance with §83.120.
- (e) To renew an instructor license, or an esthetician instructor, manicure instructor, esthetician/manicure instructor or eyelash extension instructor specialty license that expires on or after September 1, 2012, a licensee must complete a total of 4 hours of continuing education through department-approved courses in the following manner:
  - (1) Option One
    - (A) 1 hour in Sanitation required under the Act and this chapter; and
    - (B) 3 hours in methods of teaching in accordance with §83.120; or
  - (2) Option Two (which expires on 9/1/2014)
    - (A) 2 hours in Sanitation required under the Act and this chapter: and
    - (B) 2 hours in methods of teaching in accordance with §83.120.
- (f) For a timely or a late renewal, a licensee must complete the required continuing education hours within the two year period immediately preceding the renewal date.
- (g) A licensee may receive continuing education hours in accordance with the following:

- (1) A licensee may not receive continuing education hours for attending the same course more than once.
- (2) A licensee will receive continuing education hours for only those courses that are registered with the department, under procedures prescribed by the department.
- (h) A licensee shall retain a copy of the certificate of completion for a course for two years after the date of completion. In conducting any inspection or investigation of the licensee, the department may examine the licensee's records to determine compliance with this subsection.
- (i) To be approved under Chapter 59 of this title, a provider's course must be dedicated to instruction in one or more of the following topics:
  - (1) Sanitation required under the Act and this chapter;
  - (2) the Act and this chapter, addressing topics other than Sanitation;
  - (3) the curriculum subjects listed in §83.120.
- (j) A registered course may be offered until the expiration of the course registration or until the provider ceases to hold an active provider registration, whichever occurs first.
- (k) A provider shall pay to the department a continuing education record fee of \$5 for each licensee who completes a course for continuing education credit. A provider's failure to pay the record fee for courses completed may result in disciplinary action against the provider, up to and including revocation of the provider's registration under Chapter 59 of this title.
- (l) Notwithstanding subsections (b) through (e) a licensee may satisfy the continuing education requirement for renewal by completing one hour of Sanitation in department-approved courses, if the licensee:
  - (1) is at least 65 years of age; and
  - (2) has held a cosmetology license for at least 15 years.

**83.26. License Requirements--Renewals.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective February 17, 2012, 37 TexReg 681)*

- (a) To renew a license, an applicant must:
  - (1) comply with applicable requirements of the Act and this chapter;
  - (2) submit a completed application on a department-approved form; and
  - (3) pay the applicable fee required under §83.80.
- (b) In addition to the requirements of subsection (a), an applicant must complete the continuing education requirements under §83.25 to renew a license or certificate listed in §83.80(b)(1) - (5).
- (c) To renew and maintain continuous licensure, the renewal requirements under this section must be completed prior to the expiration of the license. A late renewal means the licensee will have an unlicensed period from the expiration date of the expired license to the issuance date of the renewed license. During the unlicensed period, a person may not perform any act of cosmetology that requires a license under this chapter.
- (d) Non-receipt of a license renewal notice from the department does not exempt a person from any requirements of this chapter.

**83.28. Reciprocity or Endorsement and Provisional Licensure.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective January 1, 2014, 38 TexReg 9520)*

- (a) To be granted a license through reciprocity or endorsement, an applicant must:
  - (1) submit a completed application on a department-approved form;
  - (2) furnish a certified transcript of hours from the state board, territory, or foreign country from which the applicant is applying;
  - (3) provide one of the following:
    - (A) if an applicant is from another state of the United States, provide documentation that licensure in another state was obtained by standards substantially equivalent to those of Texas; or
    - (B) if an applicant is from a territory or foreign country, provide documents verified by the department or a certified credentialing agency confirming that licensure in the territory or foreign country was obtained by standards substantially equivalent to those of Texas;
  - (4) furnish an active and valid license or certificate to indicate that the applicant is licensed in good standing in another jurisdiction or foreign country; and
  - (5) pay the reciprocity fee and applicable license application fee required under §83.80.
- (b) A person who cannot provide documentation of standards equivalent to those in Texas must pass the applicable written and practical examination for the license.
- (c) A person issued a license through reciprocity or endorsement may perform those acts of cosmetology authorized by the license.
- (d) The department may waive any license requirement, except for an operator license, 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 cosmetology license by reciprocity.
- (f) To be eligible for a provisional license, an applicant must:
  - (1) file a completed application for a Texas cosmetology license by reciprocity;
  - (2) provide information sufficient for the department to verify the applicant's licensure in good standing for at least two years in the 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 cosmetology 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 cosmetology in Texas.

**83.29. Establishment Relocation, Change of Ownership, Owner Death or Incompetency.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970)*

- (a) Under the Act, a license is not transferable.
- (b) If an establishment relocates, the licensee must apply for a new establishment license and verify that the new establishment meets the requirements of the Act and this chapter. Additionally, a relocated beauty culture 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 new establishment license within 30 days after the change of ownership. Additionally, a beauty culture school must be inspected but may continue to operate pending the department's inspection. A change of ownership includes the following:
  - (1) For a sole proprietorship, the licensee no longer owns and/or operates the establishment.
  - (2) For a partnership, the partnership is dissolved.
  - (3) For a corporation, the corporation is sold to another person or entity. A change of ownership does not include corporate officer or stockholder restructuring.
  - (4) Legal incompetence or death.

**83.31. Licenses--License Terms.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective February 17, 2012, 37 TexReg \_681; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) The following licenses have a term of two (2) years:
  - (1) operator license;
  - (2) specialty license--esthetician, manicurist, esthetician/manicurist, eyelash extension;
  - (3) specialty certificate--hair weaving, hair braiding, wig, shampoo/conditioning;
  - (4) instructor license;
  - (5) instructor specialty license--esthetician, manicurist, esthetician/manicure, eyelash extension;
  - (6) booth rental (independent contractor) license;
  - (7) beauty and specialty salon license;
  - (8) dual shop license;
  - (9) mini-salon license;
  - (10) mini-dual shop permit; and
  - (11) mobile shop license.
- (b) The following licenses have a term of one (1) year:

- (1) private beauty culture school license; and
  - (2) public secondary or postsecondary beauty culture school license.
- (c) A student permit issued under this chapter does not expire.

**83.40. Private Beauty Culture School Tuition Protection Account.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050)*

- (a) Pursuant to §1602.463 of the Act, the Private Beauty Culture School Tuition Protection Account is created to:
- (1) refund tuition and fees to a student if a private beauty culture school closes and the school fails to pay the refund as required by the Act; and
  - (2) pay the tuition costs and expenses incurred by a private beauty culture school in providing training directly related to educating a student from a closed school.
- (b) In each year in which the balance of the Private Beauty Culture School Tuition Protection Account is less than \$200,000 the department will determine a fee that shall be paid by all private beauty culture 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 private beauty culture 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 private beauty culture school license shall pay the prescribed fee to the account as determined under subsection (b) before a license will be issued.
- (f) In the event a student from a closed school cannot be placed or does not accept a place in another school, a refund, calculated under the closed school's refund policy, may be paid from the Private Beauty Culture School Tuition Protection Account and the total payment of a claim may not exceed \$35,000. The total amount of claims paid against a single closed school may not exceed \$100,000.
- (g) The executive director may authorize payment to a student from the Private Beauty Culture School Tuition Protection Account if:
- (1) the student makes a claim for payment on a form approved by the executive director;
  - (2) a closed private beauty culture school has failed to pay a refund to the student within 30 days after the date the student became eligible for the refund, and the student has not been placed or accepted a place in another school with appropriate credit given to the student for tuition and fees paid to the closed school;
  - (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 closed school to the extent of the amount paid to the student from the account.
- (h) The executive director may authorize payment to a private beauty culture school from the Private Beauty Culture School Tuition Protection Account if:
- (1) the school makes a claim for payment on a form approved by the executive director;
  - (2) the school has incurred expenses in providing training directly related to educating a student from

- a closed private beauty culture school, including the applicable tuition for the period for which the student paid tuition;
  - (3) the executive director determines after investigation that the school is entitled to payment from the account; and
  - (4) the school assigns to the department all rights of the school against the closed school to the extent of the amount paid from the account.
- (i) 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).
- (j) The department shall notify a closed private beauty culture 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.
- (k) If payment is made from the Private Beauty Culture School Tuition Protection Account on a claim against a closed private beauty culture 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 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 claimant against the school to the extent of the amount paid to the claimant; 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 private beauty culture school license.

**83.50. Inspections--General.** *(New section adopted effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050)*

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



in the performance of the inspection.

**83.51. Initial Inspections--Inspection of Beauty Culture Schools Before Operation.** *(New section adopted effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective February 17, 2012, 37 TexReg 681)*

- (a) Any new or relocated beauty culture school must be inspected and approved by the department before it may operate. Additionally, a beauty culture school that has changed ownership must be inspected and approved by the department but may continue to operate prior to inspection.
- (b) The beauty culture school owner shall request an initial inspection from the department and pay the fee required by §83.80.
- (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 beauty culture school meets or does not meet the minimum requirements of the Act and this chapter.
- (e) For beauty culture 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 beauty culture school that does not meet the minimum requirements on initial inspection must be reinspected. The beauty culture school owner must submit the request for reinspection along with the fee required by §83.80, before the department will perform the reinspection.

**83.52. Periodic Inspections.** *(New section adopted effective March 1, 2006, 31 TexReg 1297; amended effective October 11, 2007, 32 TexReg 7050; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Each beauty salon, specialty salon, dual shop, mini-salon, or mini-dual shop shall be inspected at least once every two years. Each beauty culture school shall be inspected at least twice per year.
- (b) The beauty salon, specialty salon, or dual shop owner, manager, or their representative must, upon request, make available to the department representative the list required by §83.71(c) of all independent contractors and all mini-salon licensees or mini-dual shop permittees who work in the salon or 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 §83.54. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations, in accordance with §83.90.
- (e) Based on the results of the periodic inspection, a cosmetology establishment may be moved to a risk-based schedule of inspections. The department will notify the owner of a cosmetology establishment, in writing, if the establishment becomes subject to the risk-based inspection schedule and the scheduled frequency of inspection.

**83.53. Risk-based Inspections.** *(New section adopted effective March 1, 2006, 31 TexReg 1297; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Risk-based inspections are those required in addition to periodic inspections required under §83.52, for cosmetology establishments determined by the department to be a greater risk to public health or safety. To determine which establishments will be subject to risk-based inspections, the department has established criteria and frequencies for inspections. The owner of the cosmetology establishment shall pay the fee required under §83.80 for each risk-based inspection, in a manner established by the department.

- (b) Cosmetology establishments subject to risk-based inspections will be scheduled for inspection based on the following risk criteria and inspection frequency:

Tier	Criteria	Total Inspection Frequency (includes both periodic and risk-based inspections)
(1) Tier 1	Beauty salons, specialty salons, mini-salons, dual shops and mini-dual shops having: (A) a significant violation(s) of sanitation rules, particularly those determined by the department to pose a threat for the spread of infectious or contagious disease; or (B) significant or repeated violation(s) relating to unlicensed practice.	Once each year
(2) Tier 2	Beauty salons, specialty salons, mini-salons, dual shops and mini-dual shops having: (A) serious or repeated violation(s) of sanitation rules, particularly those determined by the department to pose a threat for the spread of infectious or contagious disease; or (B) serious or repeated violation(s) relating to unlicensed practice.	Twice each year
(3) Tier 3	(A) Beauty salons, specialty salons, mini-salons, dual shops and mini-dual shops having: (i) repeated, serious violations of sanitation rules determined by the department to pose a threat for the spread of infectious or contagious disease; or (ii) repeated, serious violations related to unlicensed practice. (B) Beauty culture schools having: (i) a significant violation(s) of sanitation rules, particularly those determined by the department to pose a threat for the spread of infectious or contagious disease; (ii) significant or repeated violation(s) relating to unlicensed practice; (iii) violation(s) relating to the improper awarding of hours to students; or (iv) violation(s) relating to compromised security of department examinations.	Four times each year

- (c) At the time of inspection of a beauty salon, specialty salon, or dual shop, the owner, manager, or their representative must, upon request, make available to the department representative, the list required by §83.71(c) of all independent contractors who work in the shop and the list required by §83.71(d) of all mini-salon licensees and mini-dual shop permittees.
- (d) Upon completion of the inspection, the owner of the cosmetology establishment 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.
- (e) For inspections that are not approved, the inspection report will identify violations that must be corrected by the owner of the cosmetology establishment. The report will also indicate the corrective modifications required to address the violations, in accordance with §83.54. Additionally, the department may assess administrative penalties and/or administrative sanctions for violations, in accordance with §83.90.

- (f) Cosmetology establishments on a risk-based inspection schedule that have no significant violations in four consecutive inspections, may be moved to a less frequent risk-based inspection schedule or returned to a periodic schedule of inspections. The department will notify the owner of the establishment, in writing, if there is a change in the establishment's risk-based schedule or if the establishment is returned to a periodic inspection schedule.

**83.54. Corrective Modifications Following Inspection.** *(New section adopted effective March 1, 2006, 31 TexReg 1297; amended effective October 11, 2007, 32 TexReg 7050)*

- (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 days after receiving the list of required corrective modifications, the owner shall complete all corrective modifications and provide written verification of the corrective modifications to the department; and
  - (3) the department may grant an extension, 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 cosmetology 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 §83.90.

**83.65. Advisory Board on Cosmetology.** *(Adopted effective December 8, 2005, 30 TexReg 8082 amended effective March 1, 2006, 31 TexReg 1280; amended effective January 1, 2014, 38 TexReg 9520)*

- (a) The purpose of the Advisory Board on Cosmetology is to advise the Commission and department on adopting rules, setting fees, and enforcing and administering the Act, as applicable.
- (b) The board is composed of nine licensees and persons specified in the Act. 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.

**83.70. Responsibilities of Individuals.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective February 1, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520)*

- (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 1602 and 1603.
- (b) A licensee shall be restricted to working in a licensed facility but may perform a service within the scope of the license, certificate or permit at a location other than a licensed facility for a customer who, because of illness or physical or mental incapacitation, is unable to receive the services at a licensed facility. The appointment for services must be made through a licensed facility.
- (c) A licensee who leases space as an independent contractor on the premises of a cosmetology establishment must hold a booth rental permit.

- (d) Specialty certificate holders may only perform the practice authorized by the specialty certificate.
- (e) Individual licenses and booth rental (independent contractor) licenses may be posted at the licensee's work station in the public view or be made available in a notebook at the salon reception desk.
- (f) A current photograph of the licensee approximately 1 1/2 inches by 1 1/2 inches shall be attached to the front of the license, certificate or permit.
- (g) Licensees shall notify the department in writing of any name change within 30 days of the change.
- (h) Licensees must notify the department not later than thirty (30) days following any change of address. The department may send all notices on other information required by applicable laws and rules to any licensee's last known mailing address on file with the department.
- (i) 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 do not include lingerie or see-through fabric.
- (j) Licensees are responsible for compliance with the health and safety standards of this chapter.

**83.71. Responsibilities of Beauty Salons, Mini-Salons, Specialty Salons, Dual Shops, Mini-Dual Shops and Booth Rentals.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective December 15, 2010, 35 TexReg 10956; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Each establishment must have a copy of the current law and rules book.
- (b) Each establishment is responsible for compliance with the health and safety standards of this chapter.
- (c) Beauty salons, specialty salons, and dual shops may lease space to an independent contractor who holds a booth rental (independent contractor) license. The lessor to an independent contractor must maintain a list of all renters that includes the name of renter and the cosmetology license number of the renter. The lessor must supply the department representative with a list of renters upon request.
- (d) Beauty salons, specialty salons and dual shops may lease space to mini-salon licensees or mini-dual shop permittees. The lessor must maintain a list of all mini-salon or mini-dual shop license numbers and expiration dates and must provide the list to a department representative upon request.
- (e) Mini-salon licensees and mini-dual shop permittees must maintain the name, license number, and license expiration date of each person working in the mini-salon or mini-dual shop.
- (f) Cosmetology establishments that lease space to mini-salon licensees or mini-dual shop permittees must maintain all common areas.
- (g) A person holding a beauty, specialty or mini-salon license or a dual or mini-dual shop permit, may not employ a person who is not otherwise licensed by the department to shampoo or condition a person's hair, unless the person holds an active shampoo apprentice permit or student permit.
- (h) Each salon shall comply with the following requirements:
  - (1) a sink with hot and cold running water;
  - (2) an identifiable sign with the salon's name;
  - (3) a suitable receptacle for used towels/linen;
  - (4) one wet disinfectant soaking container;

- (5) a clean, dry, debris-free storage area;
  - (6) a minimum of one covered trash container; and
  - (7) if providing manicure or pedicure nail services, an autoclave, dry heat sterilizer or ultraviolet sanitizer.
- (i) In addition to the requirements of subsection (h):
- (1) beauty salons and mini-salons shall provide the following equipment for each licensee present and providing services:
    - (A) one working station;
    - (B) one styling chair; and
    - (C) a sufficient amount of shampoo bowls.
  - (2) manicure salons shall provide the following equipment for each licensee present and providing services:
    - (A) one manicure table with light;
    - (B) one manicure stool; and
    - (C) one professional client chair for each manicure station.
  - (3) esthetician salons shall provide the following equipment for each licensee present and providing services:
    - (A) one facial bed or chair; and
    - (B) one mirror.
  - (4) combination esthetician/manicure salons shall provide the following equipment:
    - (A) the requirements for manicure salon; and
    - (B) the requirements for esthetician salon.
  - (5) eyelash extension salons shall provide the following equipment for each licensee present and providing services:
    - (A) one facial bed or massage table that allows the consumer to lie completely flat;
    - (B) one lamp; and
    - (C) one stool or chair.
  - (6) wig salons shall provide the following equipment for each licensee present and providing services:
    - (A) one mannequin table, station, or styling bar to accommodate a minimum of 10 hairpieces;
    - (B) one wig dryer; and
    - (C) two canvas wig blocks.
  - (7) hair weaving salons shall provide the following equipment for each licensee present and providing services:

- (A) one work station;
  - (B) one styling chair; and
  - (C) a sufficient amount of shampoo bowls for licensees providing hair weaving services.
- (8) hair braiding salons shall provide the following equipment for each licensee present and providing services:
- (A) one work station; and
  - (B) one styling chair.
- (9) Dual shops shall:
- (A) comply with all requirements of the Act and this chapter applicable to beauty salons;
  - (B) comply with all requirements of Texas Occupations Code, Chapter 1601, and Chapter 82 of this title applicable to barbershops;
  - (C) if the shop does not currently have employed or have a contract with at least one licensed barber or one licensed cosmetologist, the owner must immediately display a prominent sign at the entrance and exit of the shop indicating that no barber or no cosmetologist is available; and
  - (D) 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:
    - (i) not place any new advertisement or display any sign or symbol indicating that the shop offers barbering or cosmetology services; and
    - (ii) remove or obscure any existing sign or symbol indicating that the shop offers barbering or cosmetology services.
- (10) Mini-dual shops shall:
- (A) comply with all requirements of the Act and this chapter applicable to beauty salons; and
  - (B) comply with all requirements of Texas Occupations Code, Chapter 1601, and 16 TAC Chapter 82 applicable to barbershops.
- (j) All booth rental licensees acting as independent contractors must have the following items:
- (1) one wet disinfectant soaking container;
  - (2) a clean, dry, debris-free storage area;
  - (3) a suitable receptacle for used towels/linen; and
  - (4) a current law and rules book.
- (k) In addition to the requirements in subsection (j), booth rental licensees acting as independent contractors must have the following items.
- (1) If practicing in a beauty salon, one work station and one styling chair.
  - (2) If practicing in an esthetician salon, one facial bed or chair and one mirror, wall hung or hand held.

- (3) If practicing in a manicure salon, one manicure table with a light, one manicure stool, and one chair, professional in appearance.
- (4) If practicing in an eyelash extension salon, one facial bed or massage table that allows the consumer to lie completely flat, one stool or chair and one lamp.
- (l) Booth rental licensees acting as independent contractors must comply with all state and federal laws relating to independent contractors.
- (m) Cosmetology establishments 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.

**83.72. Responsibilities of Beauty Culture Schools.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Each establishment must have a copy of the current law and rules book.
- (b) Each establishment is responsible for compliance with the health and safety standards of this chapter.
- (c) Any alterations of a cosmetology establishment's floor plan must be done in accordance with this chapter and the Act.
- (d) The curricula shall be posted in a conspicuous place in the school. A current syllabus and lesson plan for each course shall be maintained by the school and be available for inspection.
- (e) Unless the context clearly indicates otherwise, when used in this section the term "student-instructor" shall mean a student permit holder who is enrolled in an instructor curriculum of a beauty culture school.
- (f) Schools must have at least one licensed instructor on duty for each 25 students in attendance, including evening classes. A school may not enroll more than three student-instructors for each licensed instructor teaching in the school. The student-instructor shall at all times work under the direct supervision of the licensed instructor and may not service clients, but will concentrate on teaching skills. A licensed instructor must be physically present during all curriculum activities. No credit for instructional hours can be granted to a cosmetology student unless such hours are accrued under the supervision of a licensed instructor.
- (g) Schools 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 in §83.120(d) by limiting distance education to instruction in theory.
- (h) Schools must maintain one album to display each student permit, including affixed picture, of each enrolled student. The permits shall be displayed in alphabetical order by last name, then alphabetical order by first name, and, if more than one student has the same name, by student permit number.
- (i) Schools may use a time clock to track student hours and maintain a daily record of attendance or schools may use credit hours.
- (j) Schools using time clocks shall post a sign at the time clock that states the following department requirements:
  - (1) Each student must personally clock in/out for himself/herself.
  - (2) No credit shall be given for any times written in, except in a documented case of time clock failure

or other situations approved by the department.

- (3) If a student is in or out of the facility for lunch, he/she must clock out.
- (4) Students leaving the facility for any reason, including smoking breaks, must clock out, except when an instructional area on a campus is located outside the approved facility, that area is approved by the department and students are under the supervision of a licensed instructor.
- (k) Students are prohibited from preparing hour reports or supporting documents. Student-instructors may prepare hour reports and supporting documents however only school owners and school designees, including licensed instructors, may electronically submit information to the department in accordance with this chapter. No student permit holder, including student-instructors, may electronically submit information to the department under this chapter.
- (l) A school must properly account for the credit hours granted to each student. A school shall not engage in any act directly or indirectly that grants or approves student credit that is not accrued in accordance with this chapter. A school must maintain and have available for a department and/or student inspection the following documents for a period of the student's enrollment through 48 months after the student completes the curriculum, withdraws, or is terminated:
  - (1) daily record of attendance;
  - (2) the following documents if a time clock is used:
    - (A) time clock record(s);
    - (B) time clock failure and repair record(s); and
    - (C) field trip records in accordance with §83.120(e)(5);
  - (3) all other relevant documents that account for a student's credit under this chapter.
- (m) Schools using time clocks shall, at least one time per month submit to the department an electronic record of each student's accrued clock hours in a manner and format prescribed by the department. A school's initial submission of clock hours shall include all hours accrued at the school. Delayed data submission(s) are permitted only upon department approval, and the department shall prescribe the period of time for which a school may delay the electronic submission of data, to be determined 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.
- (n) Schools using credit hours shall, at the end of the course or module or if the student drops or withdraws, submit to the department an electronic record of each student's accrued credit hours in a manner and format prescribed by the department.
- (o) Schools changing from clock hours to credit hours shall submit to the department their curriculum for approval before making the change.
- (p) 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 cosmetology curriculum for 30 days.
- (q) Public schools shall electronically submit a student's accrual of 500 hours in math, lab science, and English.
- (r) All areas of a school or campus are acceptable as instructional areas for a public cosmetology school, provided that the instructor is teaching cosmetology curricula required under §83.120.



- (s) A private cosmetology school or post-secondary school may provide cosmetology 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 cosmetology program for purposes of the Act and department rules.
- (t) Schools may establish school rules of operation and conduct, including rules relating to absences and clothing, that do not conflict with this chapter.
- (u) Schools 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 teaching.
- (v) Beauty culture schools must have a classroom separated from the laboratory area by walls extending to the ceiling and equipped with the following equipment to properly instruct a minimum of ten students enrolled at the school:
  - (1) if using a time clock to track student hours, one day/date formatted computer time clock;
  - (2) desks and chairs or table space for each student in attendance;
  - (3) medical dictionary;
  - (4) audio/visual equipment;
  - (5) a dispensary containing a sink with hot and cold running water and space for storage and dispensing of supplies and equipment;
  - (6) a suitable receptacle for used towels/linens;
  - (7) 2 covered trash cans in lab area; and
  - (8) one large wet disinfectant soaking container.
  - (9) If offering the operator curriculum the following equipment must be available in adequate number for student use:
    - (A) shampoo bowl and shampoo chair;
    - (B) heat processor or hand-held hair dryer and heat cap or therapeutic light;
    - (C) cold wave rods;
    - (D) thermal iron (electric or non-electric);
    - (E) styling station covered with a non-porous material that can be cleaned and disinfected, with mirror and styling chair (swivel or hydraulic);
    - (F) mannequin with sufficient hair, with table or attached to styling station;
    - (G) professional hand clippers;
    - (H) professional hand held dryer;
    - (I) manicure table and stool;
    - (J) facial chair or bed;
    - (K) lighted magnifying glass;

- (L) dry sanitizer; and
  - (M) wet sanitizer.
- (10) If offering the esthetician curriculum the following equipment must be available in adequate number for student use:
- (A) facial chair;
  - (B) lighted magnifying glass;
  - (C) woods lamp;
  - (D) dry sanitizer;
  - (E) steamer machine;
  - (F) brush machine for cleaning;
  - (G) vacuum machine;
  - (H) high frequency machine for disinfection, product penetration, stimulation;
  - (I) galvanic machine for eliminating encrustations, product penetration;
  - (J) paraffin bath and paraffin wax;
  - (K) facial bed;
  - (L) mannequin head; and
  - (M) wet sanitizer.
- (11) If offering the manicure curriculum the following equipment must be available in adequate number for student use:
- (A) an autoclave, dry-heat sterilizer or ultra-violet sanitizer;
  - (B) complete manicure table with light;
  - (C) client chair;
  - (D) student stool or chair;
  - (E) whirlpool foot spa or foot basin;
  - (F) electric nail file;
  - (G) UV light curing system;
  - (H) paraffin bath and paraffin wax; and
  - (I) air brush system.
- (12) If offering the esthetician/manicure curriculum, the equipment required for the esthetician curriculum as listed in paragraph (10); and the equipment required for the manicure curriculum as listed in paragraph (11); including a wax warmer and paraffin warmer for each service, in adequate number for student use.

- (13) If offering the eyelash extension curriculum; the following equipment must be available in adequate number for student use:
  - (A) facial bed or massage table that allows the consumer to lie completely flat;
  - (B) stool or chair;
  - (C) lamp;
  - (D) mannequin head;
  - (E) wet sanitizer; and
  - (F) dry sanitizer.
- (w) Cosmetology establishments 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.

**83.73. Responsibilities of Students.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective January 1, 2014, 38 TexReg 9520)*

- (a) Students are responsible for compliance with the health and safety standards of this chapter.
- (b) Students shall not engage in any act that constitutes dishonesty or misrepresentation of or relating to a student's hours accrued under this chapter.
- (c) A person holding an active student permit may shampoo and condition a person's hair in a facility licensed under Texas Occupations Code, Chapters 1602 and 1603.

**83.74. Responsibilities--Withdrawal, Termination, Transfer, School Closure.** *(New section adopted effective August 1, 2006, 31 TexReg 5952; amended February 17, 2012, 37 TexReg 681)*

- (a) A student desiring to transfer from one school to another must withdraw from the first school prior to the transfer. Enrollment in two or more schools of cosmetology at the same time is prohibited.
- (b) A student transferring to a school who desires to claim credit earned must inform the school transferred to prior to enrollment of his/her prior attendance and must furnish to that school and the department a record of credit claimed. This record may be in the form of a transcript from the prior school or an extract from records of the department.
- (c) Upon withdrawal, and provided that the agreed tuition and fees have been tendered, a student is entitled to an official transcript of credit earned at the school withdrawn from. The transcript must be ready for pickup or, if mailed, postmarked within ten calendar days of the school's receipt of notice of withdrawal. A copy of the transcript must be kept in the student's file for 48 months and the copy must be made available at the request of the department.
- (d) A student who withdraws from a cosmetology school is entitled to a refund in accordance with Texas Occupations Code,-Chapter 1602.
- (e) Withdrawal or termination shall be defined by the number of hours scheduled according to the enrollment agreement or contract the student has signed with the school or other document acceptable to the department and not the clock hours the student has earned during class attendance.
- (f) If a school closes or ceases operation before the class credit is earned, the student is entitled to a tuition refund in accordance with Texas Occupations Code, Chapter 1602.
- (g) Any student of an out-of-state private or public cosmetology school may submit a request to the department to transfer the completed credit to a Texas school. A transcript must be submitted on the prescribed form

and certified by the school in which the instruction was given. Portions of the curricula of the department not taught in another state must be taken in an approved Texas school prior to taking the Texas examination.

- (h) A student enrolled for a specialty course may withdraw and transfer hours acquired to the operator course not to exceed the amount of hours of that subject in the operator curriculum. Students enrolled in the operator course may withdraw and transfer up to the maximum specialty hours within the operator curriculum for that course.

**83.78. Responsibilities of Mobile Shops.** *(New section adopted effective January 1, 2008, 32 TexReg 9970)*

- (a) A mobile shop shall comply with all health and safety requirements and all other requirements of the Act and this chapter for beauty salons or specialty salons, 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 §83.22(c). 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.
- (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 cosmetology services.

**83.80. Fees.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective January 1, 2008, 32 TexReg 9970; amended effective December 15, 2010, 35 TexReg 10956; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9522; amended effective July 1, 2014, 39 TexReg 4650)*

(a) Application fees.

- (1) Operator License--\$50
- (2) Specialty License--Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension--\$50
- (3) Specialty Certificate--Hair Weaving, Hair Braiding, Wig--\$50
- (4) Student Permit--\$25
- (5) Instructor License--\$60
- (6) Instructor Specialty License--Esthetician, Manicurist, Esthetician/Manicure, Eyelash Extension--\$60
- (7) Beauty and specialty salons--\$106
- (8) Mini-Salon License--\$60
- (9) Booth Rental (Independent Contractor) License--No fee
- (10) Beauty Culture School--\$300
- (11) Dual Shop--\$130
- (12) Mini-Dual Shop Permit--\$60
- (13) Mobile Shop--\$106
- (14) Temporary Beauty Salon, Specialty Salon, or Dual Shop License--\$20

(b) Renewal fees.

- (1) Operator License--\$53 for licenses expiring before February 1, 2014; \$50 for licenses expiring on or after February 1, 2014.
- (2) Specialty License--Esthetician, Manicurist, Esthetician/Manicurist, Eyelash Extension--\$53 for licenses expiring before February 1, 2014; \$50 for licenses expiring on or after February 1, 2014.
- (3) Specialty Certificate--Hair Weaving, Hair Braiding, Wig, Shampoo/Conditioning--\$53 for certificates expiring before February 1, 2014; \$50 for certificates expiring on or after February 1, 2014.
- (4) Instructor License--\$70 for licenses expiring before February 1, 2014; \$60 for licenses expiring on or after February 1, 2014.
- (5) Instructor Specialty License--Esthetician, Manicurist, Esthetician/Manicure, Eyelash Extension--\$70 for licenses expiring before February 1, 2014; \$60 for licenses expiring on or after February 1, 2014.

- (6) Beauty and specialty salons--\$69
- (7) Mini-Salon--\$60
- (8) Mini-Dual Shop--\$60
- (9) Booth Rental (Independent Contractor) License--\$67 for licenses expiring before February 1, 2014; No fee for licenses expiring on or after February 1, 2014.
- (10) Beauty Culture School--\$200
- (11) Dual Shop--\$100
- (12) Mobile Shop--\$69
- (c) Reciprocity or Endorsement Fee--\$50
- (d) Inactive License Status
  - (1) Change from active status to inactive status--no charge.
  - (2) Renewal of license on inactive status--renewal fees as stated in §83.80(b).
  - (3) Change from inactive status to active status--\$25.
- (e) Revised/Duplicate License/Certificate/Permit/Registration--\$25
- (f) Law and Rules book--\$14
- (g) Inspection Fees (for each occurrence)
  - (1) School (public and private)--\$200
  - (2) Risk-based Inspection of establishments--\$150
- (h) Verification of license, permit, or certificate to other states--\$15
- (i) Student transcript fee--\$5
- (j) Late renewals fees for licenses under this chapter are provided under §60.83 of this title (relating to Late Renewal Fees).
- (k) All fees are nonrefundable, except as otherwise provided by law or commission rule.
- (l) Law and rule book fee is included in the application and renewal fees for student, individual and establishment licenses, certificates, and permits.

**83.90. Administrative Sanctions and Penalties.** *(Adopted effective December 8, 2005, 30 TexReg 8082; amended effective March 1, 2006, 31 TexReg 1280)*

A person that violates Texas Occupations Code, Chapters 1602 or 1603, a rule, or an order of the Executive Director or Commission relating to Chapters 1602 or 1603, shall be subject to the imposition of administrative sanctions and/or administrative penalties in accordance with Texas Occupations Code, Chapters 51, 1602, or 1603, and 16 Texas Administrative Code, Chapter 60 of this title (relating to the Texas Department of Licensing and Regulation).

**83.100. Health and Safety Definitions.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective January 1, 2008, 32 TexReg 9970; amended effective February 17, 2012, 37 TexReg 681; amended effective July 1, 2014, 39 TexReg 4650)*

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 3/4) cups household (5.25%) bleach to one gallon water. Also referred to as a 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 hard, 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; or
  - (B) a chlorine bleach solution used in accordance with this chapter.
- (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) 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, tweezers, and some nails files.
- (7) Single-use items--Porous items made or constructed of cloth, wood, or other absorbent materials having rough surfaces usually intended for single use including but not limited to such items as tissues, orangewood sticks, cotton balls, thread, surgical tape, extension pads, some buffer blocks, and gauze.
- (8) Sterilize or sterilization--To eliminate all forms of bacteria or other microorganisms by use of an autoclave or dry heat sterilizer.
- (9) Sanitize or sanitization--To reduce the number of microorganisms to a safe level by use of an ultraviolet sanitizer.

**83.101. Health and Safety Standards--Department-Approved Disinfectants.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective July 1, 2014, 39 TexReg 4650)*

- (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.

**83.102. Health and Safety Standards--General Requirements.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective February 17, 2012, 37 TexReg 681)*

- (a) All cosmetology 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 cosmetology 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, conjunctivitis; 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-cosmetology related supplies must be stored in separate drawers or locations.
- (g) Shampoo bowls, and manicure tables shall be disinfected prior to use for each client.



- (h) Floors in cosmetology establishments shall be thoroughly cleaned each day. Hair cuttings must be swept up and deposited in a closed receptacle after each hair cut.
- (i) All trash containers must be emptied daily and kept clean by washing or using plastic liners.
- (j) Hand washing facilities, including hot and cold running water must be provided for employees.
- (k) Clean towels shall be used on each client. Towels must be washed in hot water and chlorine bleach.
- (l) Soiled towels shall be removed after use on each client and deposited in a suitable receptacle.
- (m) Each cosmetology establishment shall keep all products used in the conduct of their business properly labeled in compliance with OSHA requirements.
- (n) Hair cutting 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 the capes from coming into direct contact with the client's neck.

**83.103. Health and Safety Standards--Hair Cutting, Styling, Shaving, and Treatment Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Cosmetologists 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 a high-level disinfectant 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, safety razors, edgers, guards 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; or
  - (2) Complete immersion in a high-level disinfectant chlorine bleach solution.

**83.104. Health and Safety Standards--Esthetician Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective February 17, 2012, 37 TexReg 681)*

- (a) Cosmetologists and estheticians 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 after servicing each client in accordance to this rule.
- (c) Facial-chairs and beds, including headrest for each, shall be cleaned and disinfected after providing service to each client. The chair shall be made of or covered in a 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, thread, 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 one or more of the items listed above.
- (g) Items subject to possible cross contamination such as creams, cosmetics, astringents, lotions, removers, waxes, moisturizers, masks, oils and other preparations 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.

**83.105. Health and Safety Standards--Temporary Hair Removal Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective February 17, 2012; 37 TexReg 681)*

- (a) Cosmetologists and estheticians shall wash their hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client.
- (b) Cosmetologists and estheticians shall clean the areas of the client's body on which the service is to be administered.
- (c) Cosmetologists and estheticians performing temporary hair removal services involving the use of depilatories, preparations or tweezing techniques shall dispose of after each use all products or single use items that have been in contact with a client's skin.
- (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 and wax may not be reused under any circumstances.
- (e) Thread shall be stored in a sealed bag or covered container until ready to use and shall be kept in a clean, dry, debris-free storage area.
- (f) All multi-use items shall be properly cleaned, disinfected and sterilized or sanitized prior to each service, in accordance with this chapter.

**83.106. Health and Safety Standards--Manicure and Pedicure Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective February 17, 2012, 37 TexReg 681)*

- (a) Cosmetologists and manicurists shall clean their hands with soap and water or a hand sanitizer prior to performing any services.
- (b) Cosmetologists and 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 prior to 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 or a high level 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.

**83.107. Health and Safety Standards--Electric Drill Bits.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952)*

- (a) Only electric files, drills, or machines specifically designed and manufactured for use in the professional nail industry may be used in any cosmetology 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;
  - (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.

**83.108. Health and Safety Standards--Foot Spas, Foot Basins, and Spa Liners.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective August 1, 2011, 36 TexReg 4798)*

- (a) As used in this section, “whirlpool foot spa” 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.
- (b) After use upon each client, each whirlpool foot spa shall be cleaned and disinfected in the following sequential 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 sequential manner.

- (1) The screen and any other removable parts shall be removed, all debris trapped behind the screen shall be removed, and the screen and the inlet and any other removable parts shall be washed with soap or detergent and water.
  - (2) Before replacing the screen, one of the following procedures shall be performed:
    - (A) The screen and any other removable parts 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 and any other removable parts shall be totally immersed in an EPA registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the 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 sequential manner.
- (1) The spa basin shall be filled completely with water and one-third (1/3) cup of 5.25% bleach for each one (1) gallon of water.
  - (2) The spa system shall be flushed for 5 to 10 minutes with the chlorine bleach and water solution or an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer's instructions and allowed to sit for 6 to 10 hours.
  - (3) The spa system shall be drained and flushed with water before use upon a client.
- (e) For whirlpool foot spas, a record shall be made on a department-approved form 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 and shall indicate if a spa was not used during any-individual work day.
- (f) As used in this section "non-whirlpool foot basin" or "foot basin" is defined as any basin, tub, footbath, sink or bowl that holds non-circulating water. After use upon each client, each non-whirlpool foot basin shall be cleaned and disinfected in the following sequential manner.
- (1) All water shall be drained and all debris shall be removed from the foot basin.
  - (2) The inside surfaces of the foot basin must be scrubbed and cleaned of all visible residues with a clean brush, soap or detergent, and water.
  - (3) The foot 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 foot basin must be rinsed, emptied and wiped dry with a clean towel.
- (g) For non-whirlpool foot basins, a record shall be made on a department-approved form of the date and time of each cleaning and disinfecting. The record shall be made at or near the time of cleaning and disinfecting and shall indicate if the foot basin was not used during any individual work day.
- (h) As used in this section "disposable spa liner" or "spa liner" is defined as a plastic liner designed to be placed within a whirlpool foot spa and discarded after a single use and which is equipped with a single "non-adhesive" heat-sealed drain tab which, when pulled, allows water to empty directly into a whirlpool foot spa drain.

- (i) As used in this section “portable whirlpool jet” or “jet” is defined as a magnetic or other circulating device, designed to be placed within a whirlpool foot spa basin in order to circulate water in spas in which disposable spa liners are used.
- (j) Disposable spa liners and portable whirlpool jets may be used in providing spa services to clients. When used, the following sequential procedures shall be performed.
  - (1) After use upon a client, the heat sealed tab shall be pulled allowing the water to empty directly into the cosmetology establishment’s plumbing system.
  - (2) The spa liner shall be discarded in a covered trash receptacle.
  - (3) The portable whirlpool jet shall be completely immersed for 5 to 10 minutes in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity which must be used according to the manufacturer’s instructions.
  - (4) The jet shall be rinsed with warm water and drained.
  - (5) All surfaces of the spa basin and foot rest shall be wiped with EPA–registered disinfectant wipes.
- (k) For disposable spa liners and whirlpool jets, a record shall be made on a department-approved form indicating the time and date when the spa liner was used and discarded and when the jet was used and disinfected and shall indicate if the jet was not used during a work day.
- (l) Cleaning and disinfecting records for foot spas, foot basins, spa liners and jets shall be made available upon request by either a client or a department representative and shall be retained for inspection for at least 60 days.
- (m) A foot spa, foot basin or jet for which documentation is not maintained in accordance with this section must be removed from service and not used again until it has been cleaned and disinfected in accordance with the requirements of this section and the records have been properly updated. When a foot spa, foot basin or jet is removed from service for any reason, the record must indicate the date of removal from service.
- (n) Foot spa and foot basin chairs shall be cleaned and disinfected after service is provided to each client. The chair shall be made of or covered in a non-porous material that can be disinfected.

**83.109. Health and Safety Standards--Wig and Hairpiece Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Cosmetologists and wig specialists 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 a high-level 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; or
  - (2) Complete immersion in a high-level 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.

**83.110. Health and Safety Standards--Hair Weaving and Hair Braiding Services.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective October 11, 2007, 32 TexReg 7050)*

- (a) Cosmetologists, wig specialists, hair weavers, and hair braiders 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.

**83.111. Health and Safety Standards--Blood and Body Fluids.** *(New section effective March 1, 2006, 31 TexReg 1280)*

- (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 ¾) cups of household (5.25%) bleach to 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, a tuberculocidal disinfectant in accordance with the manufacturer's instructions, or totally immersed in a 10% bleach solution (one-and-three quarters (1 ¾) cups of household (5.25%) bleach to 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.

**83.112. Health and Safety Standards--Prohibited Products or Practices.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective February 17, 2012, 37 TexReg 681)*

- (a) Licensees may not use any of the following substances or products in performing cosmetology 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.

**83.113. Health and Safety Standards--FDA.** *(New section effective March 1, 2006, 31 TexReg 1280)*

- (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).

**83.114. Health and Safety Standards--Establishments.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952 amended effective October 11, 2007, 32 TexReg 7050)*

- (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.

**83.115. Health and Safety Standards--Eyelash Extension Application Services.** *(New section effective February 17, 2012, 37 TexReg 681)*

- (a) A licensee offering the eyelash extension application service shall wash his or her hands with soap and water prior to performing any services on a client.
- (b) Equipment, implements, and materials shall be properly cleaned and disinfected prior to providing services.
- (c) Chairs and beds, including headrests, shall be cleaned and disinfected after providing services to each client. The chair and beds shall be made of or covered in a non-porous material that can be disinfected.
- (d) After each client, the following implements shall be cleaned and disinfected: tweezers, nasal aspirator or electric eyelash dryer and other items used for a similar purpose.
- (e) The following implements are single-use items and shall be discarded in a trash receptacle after use: disposable gloves, tissues, disposable wipes, fabric strips, surgical tape, eye pads, extensions, cotton swabs, face mask, brushes, extension pads and other items used for a similar purpose.
- (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, spatulas that contact skin or products from multi-use containers.
- (g) A licensee shall use only properly labeled semi-permanent glue and semi-permanent glue remover that must be used according to the manufacturer's instructions.
- (h) Extensions must be stored in a sealed bag or covered container and shall be kept in a clean dry, debris-free storage area.

**83.120. Technical Requirements--Curriculum.** *(New section effective March 1, 2006, 31 TexReg 1280; amended effective August 1, 2006, 31 TexReg 5952; amended effective October 11, 2007, 32 TexReg 7050; amended effective February 17, 2012, 37 TexReg 681; amended effective January 1, 2014, 38 TexReg 9520; amended effective July 1, 2014, 39 TexReg 4650)*

- (a) Operator Curricula

<b>PRIVATE AND PUBLIC POST-SECONDARY COSMETOLOGY SCHOOLS (1500 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Haircutting, styling and related theory	500 hours
(B)	Hair coloring and related theory	200 hours
(C)	Cold waving and related theory	200 hours
(D)	Orientation, rules and laws	100 hours
(E)	Manicuring and related theory	100 hours
(F)	Shampoo and related theory	100 hours
(G)	Chemistry	75 hours
(H)	Salon management and practices	75 hours
(I)	Hair and scalp treatment and related theory	50 hours
(J)	Chemical hair relaxing and related theory	50 hours
(K)	Facials and related theory	50 hours
<b>PUBLIC SECONDARY PROGRAMS FOR HIGH SCHOOL STUDENTS (1,000 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Haircutting, styling, and related theory	400 hours
(B)	Hair coloring and related theory	150 hours



(C)	Cold waving and related theory	100 hours
(D)	Manicuring and related theory	100 hours
(E)	Orientation, rules and laws	75 hours
(F)	Shampoo and related theory	75 hours
(G)	Chemical hair relaxing and related theory	50 hours
(H)	Facials and related theory	25 hours
(I)	Hair and scalp treatment and related theory	25 hours

**CLASS A BARBER TO COSMETOLOGY OPERATOR  
(300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)**

(A)	Haircutting, styling and related theory	30 hours
(B)	Hair coloring and related theory	50 hours
(C)	Permanent waving including chemical hair relaxing and related theory	30 hours
(D)	Orientation, rules and laws	20 hours
(E)	Manicuring and related theory	50 hours
(F)	Shampoo and related theory	10 hours
(G)	Chemistry	20 hours
(H)	Salon management and practices	10 hours
(I)	Hair and scalp treatment and related theory	5 hours
(J)	Facials and related theory	75 hours

(b) Specialist Curricula

**ESTHETICIAN CURRICULUM  
(750 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)**

(A)	facial treatment, cleansing, masking, therapy	225 hours
(B)	anatomy and physiology	90 hours
(C)	electricity, machines, and related equipment	75 hours
(D)	Makeup	75 hours
(E)	orientation, rules and laws	50 hours
(F)	Chemistry	50 hours
(G)	care of client	50 hours
(H)	sanitation, safety, and first aid	40 hours
(I)	Management	35 hours
(J)	superfluous hair removal	25 hours
(K)	aroma therapy	15 hours
(L)	Nutrition	10 hours
(M)	color psychology	10 hours

**MANICURE CURRICULUM  
(600 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)**

(A)	procedures: basic manicure and pedicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of polish, application of artificial nails, application of cosmetic fingernails, preparation to build new nail, and application of nail extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products	320 hours
(B)	bacteriology, sanitation and safety: definitions, importance, rules, laws, methods, safety measures, hazardous chemicals and ventilation odor in salons	100 hours
(C)	professional practices: manicuring as a profession, vocabulary, ethics, salon procedures, hygiene and grooming, professional attitudes, salesmanship and public relations	80 hours
(D)	arms and hands: major bones and functions, major muscles and functions, major nerves and functions, skin structure, functions, appendages, conditions and lesions, nails structure, composition, growth, regeneration, irregularities and diseases	70 hours
(E)	orientation, rules, laws and preparation	15 hours
(F)	equipment, implements and supplies	15 hours
<b>ESTHETICIAN/MANICURE CURRICULUM (1200 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Orientation, rules, laws and preparation(F and M)	30 hours
(B)	Electricity, machines, related equipment, implements and supplies (F and M)	90 hours
(C)	Facial treatment, cleansing, masking, therapy (F)	215 hours
(D)	Procedures - basic manicure and pedicure, oil manicure, removal of stains, repair work, hand and arm massage, buffing, application of polish, application of artificial nails, application of cosmetic fingernails, preparation to build new nail, and application of nail extensions, sculptured nails, tips, wraps, fiberglass/gels and odorless products (M)	310 hours
(E)	Anatomy and physiology (F)	50 hours
(F)	Arms and hands - major bones and functions, major muscles and functions, major nerves and functions, skin structure, functions, appendages, conditions and lesions, nails structure, composition, growth, regeneration, irregularities and diseases (M)	50 hours
(G)	Makeup (F)	75 hours
(H)	Chemistry (F)	30 hours
(I)	Sanitation, safety, and first aid (F)	40 hours
(J)	Care of client (F)	50 hours
(K)	Management (F)	20 hours
(L)	Superfluous hair removal (F)	25 hours
(M)	Aroma therapy (F)	15 hours
(N)	Nutrition (F)	10 hours
(O)	Color psychology (F)	10 hours
(P)	Bacteriology, sanitation and safety - definitions, importance, rules, laws,	100 hours

	methods, safety measures, hazardous chemicals and ventilation odor in salons (M)	
(Q)	Professional practices - manicuring as a profession, vocabulary, ethics, salon procedures, hygiene and grooming, professional attitudes, salesmanship and public relations (M)	80 hours
<b>EYELASH EXTENSION CURRICULUM (320 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Orientation, rules and law	10 hours
(B)	First aid and adverse reactions	15 hours
(C)	Sanitation and contagious diseases	20 hours
(D)	Safety and client protection	10 hours
(E)	Eyelash growth cycles and selection	20 hours
(F)	Chemistry of products	5 hours
(G)	Supplies, materials and related equipment	10 hours
(H)	Eyelash extension application	190 hours
(I)	Eyelash extension isolation and separation	15 hours
(J)	Eye shapes	15 hours
(K)	Professional image/salon management	10 hours
<b>HAIR BRAIDING CURRICULUM (35 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Hair Braiding – Technical Skills: (i) tools and equipment: types of combs, yarn, thread (ii) types and patterns of braids: twists, knots, multiple strands, corn rows, hair locking (iii) artificial hair and materials for extensions (iv) trimming of artificial hair only as applicable to the braiding process (v) braid removal and scalp care (vi) client education: maintenance	11 hours
(B)	Health and Safety/Law and Rules: (i) Texas health and safety law and rules (ii) bacteriology: sanitation, and disinfection (iii) viruses, diseases, disorders: transmission, control, Recognition (iv) Texas license requirements – individuals and salons (v) Texas professional responsibility requirements– individuals and salons (vi) Texas Occupations Code, Chapters 1602 & 1603 (laws) (vii) 16 Texas Administrative Code, Chapter 83 (rules)	16 hours
(C)	Hair Analysis and Scalp Care: (i) hair and scalp disorders and diseases: dandruff, alopecia, fungal infections, infestations, infections (ii) hair structure, composition, texture (iii) hair growth patterns, styles, textures (iv) effect of physical treatments on the hair	8 hours
<b>HAIR WEAVING CURRICULUM (300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		

(A)	Hair weaving : Basic hair weaving, repair on hair weaving, removal of weft, sizing and finishing by hand of hair ends or by using mechanical equipment	150 hours
(B)	shampooing client, weft and extensions: Basic shampooing, basic conditioners, semi-permanent and weakly rinses, basic hair drying, draping	50 hours
(C)	professional practices: 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	40 hours
(D)	anatomy and physiology-scalp: 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	30 hours
(E)	chemistry in hair weaving: elements, compounds, and mixtures, composition and uses of cosmetics in hair weaving	10 hours
(F)	sanitation and safety measures: definitions, importance, sanitary rules and laws, sterilization methods of unused hair and fiber droppings	10 hours
(G)	safety measures: client protection	10 hours
<b>WIG CURRICULUM (300 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	combing out	50 hours
(B)	Styling	50 hours
(C)	Coloring, tinting, bleaching	37 hours
(D)	Rolling	30 hours
(E)	cutting and shaping, scissors and razor	20 hours
(F)	hot iron	19 hours
(G)	Cleaning	10 hours
(H)	alterations, installation of elastic	10 hours
(I)	Conditioning	10 hours
(J)	brushing technique prior to styling	10 hours
(K)	identification and recognition definition-wigs, wiggery, wigology-pertaining to any human, synthetic, or animal hairpiece	10 hours
(L)	sanitation, disinfecting, required rules and laws	10 hours
(M)	eye tabbing	10 hours
(N)	Sizing	5 hours
(O)	Drying	5 hours
(P)	measuring head for proper size	5 hours
(Q)	preparation of wig on block	5 hours

(R)	history, background, and salesmanship	3 hours
(S)	knowledge of coloring: J L	1 hour

(c) Instructor Curricula

<b>COSMETOLOGY INSTRUCTOR (750 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Lesson plans	140 hours
(B)	Methods of teaching	180 hours
(C)	Classroom management	90 hours
(D)	Evaluation techniques	90 hours
(E)	State laws and forms	60 hours
(F)	Visual aids preparation and use	60 hours
(G)	Learning theory	100 hours
(H)	Orientation, rules, and laws	30 hours
<b>COSMETOLOGY INSTRUCTOR WITH ONE YEAR EXPERIENCE (500 CLOCK HOURS OR EQUIVALENT CREDIT HOURS)</b>		
(A)	Lesson plans	90 hours
(B)	Methods of teaching	120 hours
(C)	Classroom management	60 hours
(D)	Evaluation techniques	60 hours
(E)	State laws and forms	40 hours
(F)	Visual aids preparation and use	40 hours
(G)	Learning theory	70 hours
(H)	Orientation, rules, and laws	20 hours

(d) Distance Education

- (1) Schools offering distance education may not designate more than 25% of the total curriculum hours in each course as theory hours.
- (2) A student may obtain the following distance education curriculum hours:
  - (A) a maximum of 375 hours out of the 1,500 hour operator course;
  - (B) a maximum of 250 hours out of the 1,000 hour operator course;
  - (C) a maximum of 75 hours out of the 300 hour class A barber to operator course;
  - (D) a maximum of 150 hours out of the 600 hour manicure course;
  - (E) a maximum of 188 hours out of the 750 hour esthetician course;
  - (F) a maximum of 300 hours out of the 1200 hour esthetician/manicurist course;
  - (G) a maximum of 80 hours out of the 320 hour eyelash extension course;

- (H) a maximum of 75 hours out of the 300 hour hairweaving course;
  - (I) a maximum of 188 hours out of the 750 hour instructor course; and
  - (J) a maximum of 125 hours out of the 500 hour instructor course.
- (e) Field Trips.
- (1) Cosmetology 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 hours operator course;
    - (B) a maximum of 50 hours out of the 1,000 hours operator course;
    - (C) a maximum of 30 hours for the manicure course;
    - (D) a maximum of 30 hours for the esthetician course;
    - (E) a maximum of 60 hours for the esthetician/manicurist course;
    - (F) a maximum of 15 hours for the eyelash extension course;
    - (G) a maximum of 30 hours for students taking the 750 hour instructor course; and
    - (H) a maximum of 20 hours for students taking the 500 hour instructor course.
  - (3) Unless provided by this subsection, field trips are not allowed for specialty courses.
  - (4) 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.
  - (5) Complete documentation is required, including student names, instructor names, activity, location, date, and duration of the activity.
  - (6) No hours are allowed for travel.
  - (7) Prior department approval is not required.