

# BARBERING AND COSMETOLOGY Penalties and Sanctions

## Practitioners & Establishments Penalties and Sanctions

Texas Occupations Code, Chapters 51 and 1603  
16 Texas Administration Code, Chapters 60 and 83

### **Class A Violations**

**Penalty:** \$500 up to \$1,500

#### **Administrative Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to notify the Department in writing within thirty days of a change of name and/or address	83.70(g), (h)
Failed to keep copy of continuing education certificate for two years after completion	83.25(g)
Independent contractor failed to comply with all state and federal guidelines for independent contractors	83.71(k)
Mobile establishment failed to maintain a permanent physical address	83.78(b)
Mobile establishment failed to notify the Department of any address change within 10 days	83.78(b)
Digitally prearranged remote service business failed to provide required information through the entity's digital network prior to any digitally prearranged remote service being performed	1603.208(f) 83.77(h)
Digitally prearranged remote service business failed to provide client a receipt with all required information upon the client's request	1603.208(g)

## Posting and Public Information Violations

<b>Violation</b>	<b>Statute/Rule</b>
Failed to display current license in the appropriate location	1603.2107(a), 1603.355, 83.70(e)
Failed to attach current photograph to license	1603.2107(a) 83.70(f), (i)(4)
Failed to notify consumers and service recipients of the name, mailing address, and telephone numbers of the Department for purposes of directing complaints to the Department	60.200(c)
Failed to post in public view a notice that a copy of the establishment's most recent inspection report is available upon request	83.71(l)
Failed to post in a conspicuous place clearly visible to the public a sign concerning services and assistance available to victims of human trafficking	1603.356(a), 83.71(m)
Failed to display a copy of the sanitation rules	1603.357, 83.71(q)
Failed to have current law and rules book	83.71(a), 83.71(i)(4)
Failed to display an identifiable sign with the establishment's name	83.71(g)(2)
Mobile establishment failed to display on both sides of the exterior of the mobile establishment license number and name	83.71(g)
Failed to keep all products properly labeled in compliance with OSHA requirements	83.102(n)

## Facility and Equipment Violations

<b>Violation</b>	<b>Statute/Rule</b>
Establishment failed to equip the business with the necessary facilities, supplies, appliances, furnishings, and materials	1603.354
Full-service establishments or mini-establishments failed to have one workstation and one styling chair for each licensee present and providing services	83.71(h)(1)(A) & (B), 83.71(j)(1)
Full-service establishments or mini-establishments failed to have sufficient amount of shampoo bowls	83.71(h)(1)(C)
Manicure establishment failed to have one manicure table with light, stool, and professional client chair for each licensee present and providing services	83.71(h)(2), (4), 83.71(j)(3)
Esthetician establishment failed to have one facial bed or chair and mirror for each licensee present and providing services	83.71(h)(3)-(4), 83.71(j)(2)
Eyelash extension establishment failed to have one facial bed or massage table	83.71(h)(5)(A), 83.71(j)(4)

<b>Violation</b>	<b>Statute/Rule</b>
Eyelash extension establishment failed to have one lamp, one stool/chair, and one mirror for each licensee present and providing services	83.71(h)(5)(B) – (D), 83.71(j)(4)
Hair weaving establishment failed to have one workstation, one styling chair, and one chair dryer/handheld dryer for each licensee present and providing services	83.71(h)(6)(A) – (C)
Hair weaving establishment failed to have sufficient amount of shampoo bowls	83.71(h)(6)(D)
Mobile establishment failed to anchor all furniture to the unit	83.78(e)
Mini-establishment failed to maintain all common areas	83.71(f)

### **Sanitation Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Practitioner wore dirty clothes or outer garments, wore lingerie, or failed to wear footwear, while performing services	83.70(i)
Practitioner failed to take responsibility for services provided through a digitally prearranged remote business	83.77(j)
Mobile establishment failed to store all chemicals in cabinets secured with safety catches and separate and apart from other articles or equipment	83.78(f)
Failed to empty all trash containers daily and/or failed to keep trash containers clean	83.102(j)
Failed to use a clean hair cutting/shampoo cape or failed to use a clean single-use cape or a sanitized towel/neck strip	83.102(o)
Failed to have facial or eyelash extension application chair or bed made of or covered in a non-porous material that can be disinfected	83.104(c), 83.115(c)
Failed to have foot spa and foot basin chair made of or covered in a non-porous material that can be disinfected	83.108(n)
Failed to have flooring of a material which is not porous or absorbent and is easily washable in areas where services are performed, or having carpet in unpermitted areas	83.114(b)
Stored chemical supplies in restroom	83.114(e)
Prepared food or beverages on premises for sale	83.114(f)

### **Class B Violations**

**Penalty:** \$1,000 to \$3,500 and/or up to one-year full suspension

### **Administrative Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to maintain list of independent contractors that includes the name and license number of the renter	83.71(c)

<b>Violation</b>	<b>Statute/Rule</b>
Failed to maintain list of all mini-establishment license numbers and expiration dates	83.71(d)
Mobile establishment failed to keep all required records within the unit for one year	83.78(c)
Mobile establishment failed to follow all requirements for GPS tracking or for weekly itinerary	83.78(d)(1)-(2)
Digitally prearranged remote service business failed to maintain records and information showing compliance for five years	1603.208(h), 83.77(i)
Digitally prearranged remote service business failed to terminate a practitioner's access to the digital network who has violated any law and/or rules	1603.208(i), 83.77(k)
Practitioner failed to complete required continuing education	83.25(b)-(e), 83.26(b)

### Unlicensed Violations

<b>Violation</b>	<b>Statute/Rule</b>
Performed or attempted to perform any practice of barbering or cosmetology with an expired license	1603.2101(a), 1603.3001(a), 83.26(c)
Practitioner worked in a facility with an expired establishment license	1603.2108, 1603.2109(a), 83.70(b)
Operated a barbering or cosmetology establishment with an expired business license	1603.2201(a), 1603.3001(a)
Employed or leased space to a practitioner who held an expired license	1603.353(b)
Failed to apply for a new establishment license after relocating	83.29(b)
Failed to apply for a new establishment license within 30 days of change of ownership	83.29(d)

### Sanitation Violations

<b>Violation</b>	<b>Statute/Rule</b>
Failed to thoroughly clean floors each day and/or failed to remove hair cuttings as soon as practicable	83.102(i)
Failed to keep floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair; failed to repair or fill any cracks, holes, or other similar disrepair not readily accessible for cleaning to create a smooth, washable surface	83.114(a)
Failed to keep plumbing fixtures clean and free from cracks and similar disrepair not readily accessible for cleaning	83.114(c)

<b>Violation</b>	<b>Statute/Rule</b>
Allowed non-service animals in establishment or failed to maintain covered aquariums in a sanitary condition	83.114(i)
Failed to store sterilized or sanitized instruments according to manufacturer's instructions	1603.352(c)
Failed to keep chlorine bleach in a closed, covered container not exposed to sunlight	83.101(b)(3)
Placed or stored chlorine bleach near other chemicals or near flame	83.101(b)(5)
Failed to dispose of used or soiled chlorine bleach solution each day	83.101(b)(6)
Failed to store all cleaned and disinfected implements and materials in a clean, dry, debris-free environment, separate from soiled implements and materials	83.102(f)
Failed to store non-cosmetology related supplies in separate drawers or locations	83.102(f)
Failed to disinfect shampoo bowls and manicure tables prior to use for each client	83.102(g)
Failed to clean and disinfect facial chairs and beds, including headrest, after providing service to each client	83.104(c)
Failed to clean and disinfect eyelash extension application chairs and beds, including headrest, after providing service to each client	83.115(c)
Failed to have a suitable receptacle for used towels or linens	83.71(g)(3), 83.71(i)(3)
Failed to mix chlorine bleach solution daily at correct concentration	83.101(b)(2)
Failed to discard single-use equipment, implements, tools or porous items after use on a single client	83.102(d)
Failed to wipe clean and disinfect electrical equipment that cannot be immersed in liquid	83.102(e)
Failed to use clean towels on each client and/or failed to wash towels in hot water and chlorine bleach	83.102(l)
Failed to remove soiled towels after use on each client and deposit in a suitable receptacle	83.102(m)
Digitally prearranged remote service business or practitioner failed to comply with all health and safety requirements	1603.208(d)(1), 83.77(c)
Digitally prearranged remote service business or practitioner failed to properly clean, disinfect, and sanitize or sterilize all implements and supplies	83.77(l)
Digitally prearranged remote service business or practitioner failed to comply with all safety and sanitation requirements	83.77(m)
Practitioner failed to comply with all health and safety standards	83.70(j)
Establishment failed to comply with all health and safety standards	83.71(b)
Mobile establishment failed to comply with all health and safety requirements	83.78(a)

### Sanitation Violations – Hair Cutting, Styling, Treatment and Shaving Services

Violation	Statute/Rule
Failed to properly clean and disinfect hair cutting, styling and treatment equipment, implements, tools and materials prior to servicing each client	83.103(b)
Failed to wipe required implements after each client with a clean paper or fabric towel and spray with either an EPA-registered disinfectant or bleach solution	83.103(c)
Failed to clean required implements at the end of each day of use by manually scrubbing with soap and water or adequate methods, and then disinfecting by complete immersion in an EPA-registered disinfectant or bleach solution	83.103(d)

### Sanitation Violations – Manicure and Pedicure Services

Violation	Statute/Rule
Failed to clean and disinfect manicure and pedicure tools by manually brushing or otherwise removing all visible debris after each use and then spraying with an EPA-registered disinfectant or bleach solution	83.106(f),
Failed to discard buffer blocks or porous nail files in a trash receptacle after exposure to broken skin or unhealthy skin or nails	83.106(f)
Used electric files, drills, or machines other than those specifically designed and manufactured for use in the professional nail industry	83.107(a)
Failed to clean diamond, carbide, natural and metal bits after each use with a brush or ultrasonic cleaner, or by immersing in acetone	83.107(b)
Failed to disinfect diamond, carbide, natural and metal bits by complete immersion in an appropriate disinfectant, and then sterilize, between clients	83.107(c)
Failed to clean or replace buffing bits and chamois between clients or to clean with soap and water at the end of each day	83.107(d)
Failed to clean the areas of the client's body on which a manicure or pedicure service is to be administered	83.106(b)

### Sanitation Violations – Esthetician, Temporary Hair Removal, and Eyelash Extension Application Services

Violation	Statute/Rule
Failed to wear gloves when performing an extraction	83.104(a)

<b>Violation</b>	<b>Statute/Rule</b>
Failed to clean the areas of the client's body prior to temporary hair removal service	83.105(b)
Failed to store eyelash extensions in a sealed bag or covered container and/or failed to store in a clean, dry, and debris-free storage area	83.115(h)

### **Sanitation Violations – Hair Weaving**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to properly clean and disinfect hair weaving equipment, implements, tools and materials prior to servicing each client	83.110(b)
Failed to store hair extensions, tracks, needles, and thread in a bag or covered container until ready to use and/or stored unrelated items in the same bag or container	83.110(c)
Failed to spray needles, combs, and hair clips with a disinfectant before use	83.110(d)

### **Recordkeeping Violations – Foot Spas, Foot Basins, and Spa Liners**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to keep a record, on a department-approved form, of the date and time of each daily or bi-weekly cleaning of whirlpool foot spas	83.108(e)
Failed to keep a record, on a department-approved form, of the date and time of each cleaning and disinfecting of non-whirlpool foot basins	83.108(g)
Failed to keep a record, on a department-approved form, of the date and time when a spa liner was used and discarded or when a whirlpool jet was used and disinfected	83.108(k)
Failed to make the record at or near the time of cleaning and disinfecting or failed to indicate if a spa, foot basin, or jet was not used during any individual workday	83.108(e), (g), (k)
Failed to remove from service a foot spa, foot basin or jet found to be in violation or for which records have not been maintained	83.108(m)
Failed to make the record when a foot spa, foot basin or jet is removed from service for any reason	83.108(m)

### **Facility and Equipment Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to have a clean, dry, and debris-free storage area	83.71(g)(5), 83.71(i)(2)
Failed to have a minimum of one covered trash container	83.71(g)(6)

<b>Violation</b>	<b>Statute/Rule</b>
Failed to provide at least one restroom located on or near the premises of the establishment	83.114(e)
Establishment operated on the same premises as a school without proper permanent separation	1603.358, 83.71(p)
Used an establishment 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	83.114(h)
Establishment allowed a person to sleep in a room used as part of the establishment or practitioner performed a barbering or cosmetology service in a room in an establishment that is used as sleeping quarters	1603.2205(a),(b)
Failed to have separate entrance that is separate and distinct from the residential entrance or door leading to living quarters not closed during business hours	83.114(h)
Mobile establishment used as a residence or for any purpose other than barbering or cosmetology services	83.78(l)
Mobile establishment failed to have a restroom and toilet	83.78(j)
Mobile establishment failed to have a functional hot water heater	83.78(h)
Performed services outside a mobile establishment or when the establishment is in motion	83.78(k)
Mobile establishment failed to have a fresh water tank holding sufficient water to perform the day's business or mobile establishment failed to stop operations if fresh water supply is depleted	83.78(i)

### **Advertising Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Knowingly making a false or deceptive statement in advertising	1603.401(3)
Advertising, practicing, or attempting to practice under another person's name or trade name	1603.401(4)

### **Class C Violations**

**Penalty:** \$2,000 to \$5,000 and/or up to revocation

### **Unlicensed Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Performed or attempted to perform barbering or cosmetology service without a license and/or offered to perform for compensation barbering or cosmetology services without a license	1603.2101(a)



<b>Violation</b>	<b>Statute/Rule</b>
Practitioner performed any barbering or cosmetology service outside the scope of the individual's license	1603.2103(a)(1)-(8), 1603.208(d)(2), 83.70(d), 83.28(c),(g), 83.77(g)
Licensed practitioner worked in an unlicensed establishment	1603.2108, 1603.2109(a), 83.70(b)
Used either directly or indirectly terms "barber" or "barbering," "cosmetologist" or "cosmetology," and/or any combination, variation, or abbreviation of these terms without an appropriate license	1603.2101(b)
Performed or attempted to perform barbering or cosmetology while the practitioner's license is inactive	83.24(b)
Unlicensed practitioner leased space as an independent contractor at a licensed establishment	1603.2201(b)
Transferred a license or permit to another person or business	1603.2106, 1603.2204, 83.29(a)
Operated a business in which barbering or cosmetology is practiced without an establishment license or operated a business in which barbering or cosmetology service is offered for compensation without an establishment license	1603.2201(a)
Employed an unlicensed individual to perform acts of barbering or cosmetology and/or leased to an unlicensed individual to perform acts of barbering or cosmetology	1603.353(b), 83.71(n)
Specialty establishment performed or offered to perform any barbering or cosmetology service outside the scope of the specialty establishment's license	1603.2203(2)– (6), 83.71(o)
Establishment allowed a practitioner to perform any barbering or cosmetology service outside the scope of the individual's license	83.71(n)
Allowed the use or display of a license by a person not authorized by law to use that license	60.23(a)(4)
Digitally prearranged remote service business operated without first providing the required information and materials to the Department	83.77(a)
Digitally prearranged remote service business allowed unlicensed individuals perform digitally prearranged remote services	83.77(b)
Digitally prearranged remote service business performed and/or offered to perform prohibited barbering or cosmetology services	1603.208(e) 83.77(d), (e), (f)
Failed to schedule an appointment through a licensed facility for a service performed at a location other than a licensed	1603.2109(b)-(c), 83.70(b)

<b>Violation</b>	<b>Statute/Rule</b>
facility for a client with an illness or physical or mental incapacitation or for a special event	
Failed to schedule an appointment through a remote service business's digital network if providing a service at a location other than a licensed facility	83.70(c)

### **Cooperation Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to cooperate with an authorized representative of the commission or department in the performance of the inspection or investigation	83.50(d), 60.23(a)(3), 60.222(a), (c)(1)
Failed to make available to the department the list of all independent contractors and all mini-establishment licensees who work in the establishment	83.50(b), 83.71(c)-(d)
Interfered or refused to allow an inspection or investigation conducted by an authorized representative of the commission or department	60.23(a)(3), 60.222(c)(1)- (2)
Threatened or intimidated an authorized representative of the commission or department in connection with an inspection or investigation	60.23(a)(3), 60.222(c)(3)
Failed to make available all records, notices, and other documents requested by authorized representative of the commission or department	60.222(b)
Failed to make a cleaning and disinfecting record available upon request to a patron or the Department or not retaining the records for inspection for at least 60 days	83.108(l)
Failed to allow Department authorized representative to examine continuing education certificate	83.25(h)
Mobile establishment failed to make required records available for inspection by the Department	83.78(c)
Digitally prearranged remote service business failed make required records available to the department upon request	83.77(n)

### **Public Health Violations – Esthetician Services**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to properly clean and disinfect facial equipment, implements, tools and materials after servicing each client	83.104(b)
Failed to clean and disinfect multiple use implements such as tweezers and comedone extractors after each client	83.104(d)
Failed to discard single-use items in a trash receptacle after use	83.104(e)
Failed to replace facial tools and accessories with clean items for each client	83.104(f)

<b>Violation</b>	<b>Statute/Rule</b>
Failed to avoid cross contamination or allowed applicators to be re-dipped in product	83.104(g)

### **Public Health Violations – Temporary Hair Removal Services**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to dispose of after each use all products or single use items that has been in contact with a client's skin	83.105(c)
Failed to clean and disinfect all wax pots, left applicator in wax pot, or reused wax	83.105(d)
Failed to clean, disinfect, and sterilize or sanitize all multi-use implements prior to each use	83.105(e)

### **Public Health Violations – Eyelash Extension Application Services**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to properly clean and disinfect equipment, implements and materials prior to providing services	83.115(b)
Failed to clean and disinfect required implements after each client: tweezers, nasal aspirator or electric eyelash dryer and other items used for a similar purpose	83.115(d)
Failed to discard required single-use items in a trash receptacle after each use	83.115(e)
Failed to replace required items with clean items	83.115(f)
Failed to use only properly labeled semi-permanent glue and semi-permanent glue remover according to the manufacturer's instructions	83.115(g)

### **Public Health Violations – Manicure and Pedicure Services**

<b>Violation</b>	<b>Statute/Rule</b>
Failed to clean, disinfect, and sterilize/sanitize metal instruments in accordance with manufacturer's instructions	1603.352(a)
Failed to have an autoclave, dry heat sterilizer, or ultraviolet sanitizer on the premises	1603.352(b), 83.71(g)(7)
Failed to properly clean, disinfect, and sterilize or sanitize all metal manicure and pedicure tools prior to servicing each client	83.106(c)
Failed to clean, disinfect, and sterilize or sanitize required manicure and pedicure implements after each use	83.106(d)
Failed to discard orangewood sticks, cotton balls, nail wipes and disposable towels after single use	83.106(e)
Failed to replace terry cloth towels, finger bowls and spatulas that contact skin, or skin products from multi-use containers, with new or clean articles for each client	83.106(g)

## Public Health Violations

Violation	Statute/Rule
Failed to wash hands with soap and water, or use a liquid hand sanitizer, prior to performing any services on a client	83.102(a), 83.103(a), 83.104(a), 83.105(a), 83.106(a), 83.110(a)
Failed to wash hands with soap and water prior to performing any eyelash extension application services on a client	83.115(a)
Failed to provide hand washing facilities for employees which include hot and cold running water	83.102(k), 83.71(g)(1)
Failed to properly disinfect implements using EPA-registered disinfectant or chlorine bleach	83.101(a)-(b)
Failed to use clean and disinfected equipment, tools, implements, and supplies while providing barbering or cosmetology services	83.102(a), (c)
Failed to employ good hygiene habits while providing barbering or cosmetology services	83.102(a)
Failed to have a wet disinfectant soaking container, large enough to fully immerse tools and implements	83.71(g)(4), 83.71(i)(1), 83.101(h)
Failed to prepare fresh disinfectant solution daily or more often as needed, for immersion of implements	83.101(a)(3)
Failed to use disinfectant in accordance with the manufacturers' recommendation or other guidance	83.101(a)(4)
Failed to have suitable plumbing that provides hot and cold running water and is connected to drain sewage and potable water in work areas	83.114(d)
Used a product, preparation or procedure that contacted or penetrated the dermis layer of the skin	83.112(c)
Possessed or used Methyl Methacrylate Liquid Monomers (MMA); bought, sold, used, or applied liquid MMA to a person	83.112(a)(1), (b), 83.113(c)
Possessed or used razor-type callus shavers designed and intended to cut growths of skin such as corns and calluses, e.g. credo blades	83.112(a)(2), (b)
Possessed or used alum or other astringents in stick or lump form	83.112(a)(3), (b)
Possessed or used fumigants such as formalin (formaldehyde) tablets or liquids	83.112(a)(4), (b)
Possessed, stored, or used any product banned or deemed to be poisonous or unsafe by the USFDA or any other governmental agency responsible for such determinations	83.113(a)-(b)
Failed to have establishment properly ventilated	83.114(g)

## Public Health Violations – Foot Spas, Foot Basins, and Spa Liners

Violation	Statute/Rule
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas after client use	83.108(b)
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas at the end of each day	83.108(c)
Failed to perform all required sequential cleaning and disinfecting of whirlpool foot spas on a bi-weekly basis	83.108(d)
Failed to perform all required sequential cleaning and disinfecting of non-whirlpool foot basin after client use	83.108(f)
Failed to perform all required sequential cleaning and disinfecting procedures when using non-adhesive heat-sealed spa liners and portable whirlpool jets	83.108(j)
Failed to clean and disinfect foot spa or foot basin chair after providing service to each client	83.108(n)

## Class D

**Penalty:** \$3,500 up to \$5,000 and/or revocation

### Violations

Violation	Statute/Rule
Failed to comply with previous order of Commission/Executive Director	51.353(a), 1603.401(6)
Obtained or attempted to obtain a license by fraud or false representation	1603.401(5), 60.23(a)(1)
Falsified any document submitted to the department or commission	60.23(a)(2)
Used or provided unauthorized assistance in connection with an examination	60.52(a)
Failed to pay the Department for a dishonored payment	60.82
Failed to comply with license renewal requirements	1603.3003, 83.26(a)

## Infection Control Violations – Blood and Body Fluids

Violation	Statute/Rule
Failed to stop bleeding by applying powdered alum, styptic powder, or a cyanoacrylate to an open wound with a disposable cotton-tipped instrument	83.111(a)
Failed to immediately and/or properly discard cotton-tipped instrument after application of alum, styptic powder, or a cyanoacrylate to an open wound	83.111(a)

<b>Violation</b>	<b>Statute/Rule</b>
Failed to immediately and properly clean and disinfect a surface area that came into contact with blood or body fluids	83.111(b)
Failed to immediately and properly clean and disinfect by approved method a non-porous instrument that came into contact with blood or body fluids	83.111(c)
Failed to immediately double-bag and discard in a closed trash container or biohazard box a porous instrument that came into contact with blood or body fluids	83.111(d)

### **Infection Control Violations**

<b>Violation</b>	<b>Statute/Rule</b>
Worked while knowingly suffering with an infection or animal parasites or an infectious/communicable disease for which the person is not entitled to protection under the Federal Americans with Disabilities Act of 1990 (ADA)	1603.401(2), 1603.209(a)
Knowingly employed person with an infectious/contagious disease who is not entitled to protection under ADA	1603.209(b)
Engaged in gross malpractice	1603.401(1)
Performed services on a client the licensee has reason to believe 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	83.102(b)