

By: Collier

H.B. No. 5116

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility for certain occupational licenses based  
3 on an arrest or conviction for certain offenses involving a  
4 controlled substance.

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

6 SECTION 1. Section 802.107, Occupations Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) Notwithstanding Sections 51.356 and 51.4012 and Chapter  
9 53, the department may not deny issuance of a license to, refuse to  
10 renew the license of, or revoke or suspend a license held by a  
11 person based on the person's arrest or conviction for an offense  
12 involving the possession, manufacture, or delivery of a controlled  
13 substance.

14 SECTION 2. Section 1603.401, Occupations Code, is amended  
15 to read as follows:

16 Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. (a) The  
17 department may deny an application for issuance or renewal of, or  
18 may suspend or revoke, a license or permit if the applicant or  
19 person holding the license or permit:

- 20 (1) engages in gross malpractice;
- 21 (2) knowingly continues to practice while having an  
22 infectious or contagious disease;
- 23 (3) knowingly makes a false or deceptive statement in  
24 advertising;

1           (4) advertises, practices, or attempts to practice  
2 under another person's name or trade name;

3           (5) engages in fraud or deceit in obtaining a license  
4 or permit; or

5           (6) engages in an act that violates this chapter or  
6 Chapter 51 or a rule or order adopted or issued under this chapter  
7 or Chapter 51.

8           (b) Notwithstanding Sections 51.356 and 51.4012 and Chapter  
9 53, the department may not deny an application for issuance or  
10 renewal of, or suspend or revoke, a license or permit based on the  
11 arrest or conviction of the applicant or license or permit holder  
12 for an offense involving the possession, manufacture, or delivery  
13 of a controlled substance.

14           SECTION 3. This Act takes effect September 1, 2023.