

## **BILL ANALYSIS**

C.S.H.B. 2696  
By: Anchia  
Government Reform  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, massage parlor operators and therapists are only required to register with the State of Texas. Additionally, the rules and regulations required to register do not meet the same standards and code of ethics taught by legitimate massage therapy schools. As a result, many illegitimate businesses posing as massage parlors or providers of other massage services are serving as possible fronts for prostitution and human trafficking. These illegitimate businesses have begun to open in or around inner city areas and even in some rural areas. This has negatively affected massage parlors and therapists who are operating in a legitimate fashion. Furthermore, property values have depreciated because legitimate businesses and neighborhood residents have been forced to move as a result of the negative social impacts brought upon by these illegitimate businesses.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 4, SECTION 11, and SECTION 35 of this bill.

### **ANALYSIS**

C.S.H.B. 2696 amends the Occupations Code by requiring massage parlor operators, massage therapists and providers of other massage services to become licensed with the State of Texas, and sets forth criteria for such licensure. The bill provides for exceptions to licensing, and different types of licenses. Registration of massage therapists is eliminated by the bill. C.S.H.B. 2696 also sets forth requirements for the operation and inspection of massage establishments, massage schools, massage therapy instructors, and advertising or competitive bidding for massage therapy services. The bill provides for disciplinary procedures related to the conduct of licensees.

C.S.H.B. 2696 gives law enforcement officers of a municipality and municipal attorneys jurisdiction to investigate the license of an establishment operating as a massage parlor or provider of other massage services.

C.S.H.B. 2696 also makes conforming changes to the code to reflect organizational changes following the consolidation of state health and human services agencies under the umbrella of the Health and Human Services Commission.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute has expanded the definition of "other massage services" in order to be more inclusive. Additionally, massage parlors are now required to see a verifiable form of identification from the client during the initial consultation and to develop a privacy protection policy for all client records. Further more, the substitute removes the provision that does not allow any minor to enter an establishment. Lastly, it incorporates existing administrative rules into statute for ethical standards pertaining to conduct and attire when providing massage services.

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