

By: Paxton

H.B. No. 3800

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of professional fitness trainers; providing a penalty.

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

SECTION 1. Subtitle H, Title 3, Occupations Code, is amended by adding Chapter 456 to read as follows:

CHAPTER 456. PROFESSIONAL FITNESS TRAINERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 456.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Fitness equipment" includes weight-training equipment and assessment tools, including calipers, scales, and measuring tapes.

(4) "Licensed professional fitness trainer" means a person who provides professional fitness training under a license issued under this chapter.

(5) "Professional fitness training" means the instruction of exercise and techniques to achieve physical fitness, including:

(A) physical assessment and performance testing;

(B) manual stretching;

1 (C) isometric and manual techniques to provide
2 improved muscle facilitation and increased range of motion;

3 (D) exercise selection, programming, and
4 techniques; and

5 (E) instruction on the safe use of fitness
6 equipment.

7 Sec. 456.002. APPLICABILITY OF CHAPTER. This chapter does
8 not apply to a person licensed in this state as a physician, nurse,
9 massage therapist, physical therapist, occupational therapist,
10 athletic trainer, or chiropractor.

11 Sec. 456.003. PRACTICES NOT INCLUDED IN PROFESSIONAL
12 FITNESS TRAINING. (a) The practice of a licensed physical fitness
13 trainer does not include an activity that would require the removal
14 of a client's clothing.

15 (b) In this chapter, professional fitness training does not
16 include a service or procedure that would require a license to
17 practice an occupation listed in Section 456.002.

18 Sec. 456.004. VOLUNTARY LICENSE; USE OF TITLE. (a) A
19 license issued under this chapter is not required to practice
20 professional fitness training.

21 (b) A person may not use the title "Licensed Professional
22 Fitness Trainer" unless the person holds a license issued under
23 this chapter.

24 [Sections 456.005-456.050 reserved for expansion]

25 SUBCHAPTER B. POWERS AND DUTIES OF EXECUTIVE COMMISSIONER
26 AND DEPARTMENT

27 Sec. 456.051. RULES. The executive commissioner shall

1 adopt rules necessary to implement this chapter.

2 Sec. 456.052. CONTINUING EDUCATION. The department shall
3 recognize, prepare, or administer continuing education programs
4 for persons licensed under this chapter. A license holder must
5 participate in the programs as required by the executive
6 commissioner to renew a license.

7 Sec. 456.053. GENERAL DUTIES OF DEPARTMENT. The department
8 shall:

9 (1) administer this chapter;

10 (2) investigate a person who may be engaging in a
11 practice in violation of Section 456.004(b);

12 (3) establish criteria for the courses described by
13 Section 456.102(3); and

14 (4) approve schools or programs that offer the courses
15 described by Section 456.102(3).

16 [Sections 456.054-456.100 reserved for expansion]

17 SUBCHAPTER C. LICENSING

18 Sec. 456.101. LICENSE APPLICATION. An applicant for a
19 professional fitness trainer license must submit to the department:

20 (1) an application on a form prescribed by the
21 department; and

22 (2) the required fee.

23 Sec. 456.102. APPLICANT QUALIFICATIONS. An applicant for a
24 professional fitness trainer license must:

25 (1) be at least 18 years of age;

26 (2) have a current certification in first aid and
27 cardiopulmonary resuscitation; and

1 (3) have completed at least 250 hours of training or
2 instruction in the following courses:

3 (A) 25 hours of anatomy;

4 (B) 25 hours of physiology;

5 (C) 25 hours of kinesiology;

6 (D) 10 hours of health and hygiene;

7 (E) 10 hours of business basics;

8 (F) 75 hours of practical instruction; and

9 (G) 80 hours in business, exercise training,
10 physical assessment, injury care and prevention, and physical
11 development.

12 Sec. 456.103. LICENSE ISSUANCE. The department shall issue
13 a license to an applicant who meets the requirements of Section
14 456.102.

15 Sec. 456.104. LICENSE EXPIRATION; RENEWAL. (a) A license
16 issued under Section 456.103 expires on the first anniversary of
17 the date of issuance.

18 (b) A license holder may renew an unexpired license by
19 complying with rules adopted by the executive commissioner.

20 (c) The executive commissioner by rule may adopt a system
21 under which licenses expire on various dates during the year. For
22 the year in which the license expiration date is changed, the
23 license fee shall be prorated on a monthly basis so that a license
24 holder pays only that portion of the license fee that is allocable
25 to the number of months during which the license is valid. On
26 renewal of the license on the new expiration date, the total license
27 renewal fee is payable.

1 [Sections 456.105-456.150 reserved for expansion]

2 SUBCHAPTER D. PROHIBITED PRACTICE

3 Sec. 456.151. PROHIBITED USE OF TITLE. (a) A person
4 commits an offense if the person violates Section 456.004(b).

5 (b) An offense under this section is a Class C misdemeanor.

6 SECTION 2. This Act takes effect September 1, 2011.