

1-1 By: Fraser S.B. No. 335  
1-2 (In the Senate - Filed January 12, 2011; February 2, 2011,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 14, 2011, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; March 14, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to an exemption from regulation as health spas for certain  
1-9 governmental hospitals and clinics.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subdivision (4), Section 702.003, Occupations  
1-12 Code, is amended to read as follows:

1-13 (4) "Health spa" means a business that offers for  
1-14 sale, or sells, memberships that provide the members instruction in  
1-15 or the use of facilities for a physical exercise program. The term  
1-16 does not include:

1-17 (A) an organization that is tax exempt under  
1-18 Section 501 et seq., Internal Revenue Code (26 U.S.C. Section 501 et  
1-19 seq.);

1-20 (B) a private club owned and operated by its  
1-21 members;

1-22 (C) an entity operated exclusively to:  
1-23 (i) teach dance or aerobic exercise; or  
1-24 (ii) provide physical rehabilitation  
1-25 activity related to an individual's injury or disease;

1-26 (D) a person engaged in an activity authorized  
1-27 under a license issued by the state; ~~or~~

1-28 (E) an activity conducted or sanctioned by a  
1-29 school under the Education Code; or

1-30 (F) a hospital or clinic owned or operated by an  
1-31 agency of the state or federal government or by a political  
1-32 subdivision of this state.

1-33 SECTION 2. This Act takes effect September 1, 2011.

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