

By: Gutierrez

H.B. No. 2072

Substitute the following for H.B. No. 2072:

By: Kuempel

C.S.H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility and requirements for the issuance and renewal of a license in massage therapy.

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

SECTION 1. Section 455.1525, Occupations Code, is amended to read as follows:

Sec. 455.1525. CRIMINAL HISTORY RECORD INFORMATION  
REQUIREMENT FOR LICENSE ISSUANCE [~~BACKGROUND CHECKS~~]. (a) The  
department shall require that an applicant for a license submit a  
complete and legible set of fingerprints, on a form prescribed by  
the department, to the department or to the Department of Public  
Safety for the purpose of obtaining criminal history record  
information from the Department of Public Safety and the Federal  
Bureau of Investigation [~~On receipt of an application for a license~~  
~~under this chapter, the department shall conduct a criminal~~  
~~background check on the applicant~~].

(b) The department may not issue a license to a person who  
does not comply with the requirement of Subsection (a).

(c) The department shall conduct a criminal history record  
information check of each applicant for a license using  
information:

(1) provided by the individual under this section; and  
(2) made available to the department by the Department  
of Public Safety, the Federal Bureau of Investigation, and any

other criminal justice agency under Chapter 411, Government Code.

(d) The department may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check ~~[An applicant is not eligible for a license under this chapter if the applicant, in the five years preceding the date of the application, has been finally convicted of a misdemeanor involving moral turpitude or a felony].~~

SECTION 2. Subchapter D, Chapter 455, Occupations Code, is amended by adding Section 455.1605 to read as follows:

Sec. 455.1605. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 455.1525.

(b) The department may not renew the license of a person who does not comply with the requirement of Subsection (a).

(c) A license holder is not required to submit fingerprints under this section for the renewal of the license if the license holder has previously submitted fingerprints under:

(1) Section 455.1525 for the initial issuance of the license; or

1           (2) this section as part of a prior license renewal.

2           (d) This section expires August 1, 2023.

3           SECTION 3.     Not later than April 1, 2018, the Texas  
4 Commission of Licensing and Regulation shall adopt rules as  
5 necessary to implement Section 455.1525, Occupations Code, as  
6 amended by this Act, and Section 455.1605, Occupations Code, as  
7 added by this Act.

8           SECTION 4.     Section 455.1525, Occupations Code, as amended  
9 by this Act, and Section 455.1605, Occupations Code, as added by  
10 this Act, apply only to an application for the issuance or renewal  
11 of a license submitted on or after August 1, 2018. An application  
12 submitted before that date is governed by the law in effect on the  
13 date the application was submitted, and the former law is continued  
14 in effect for that purpose.

15          SECTION 5.     This Act takes effect September 1, 2017.