86R8674 JCG-D

By:  Landgraf H.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of massage therapy; requiring a student permit; authorizing fees.

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

SECTION 1.  Section 455.152, Occupations Code, is amended to read as follows:

Sec. 455.152.  INELIGIBILITY FOR LICENSE. [~~(a)~~] A person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter 43, Penal Code, or another sexual offense.

[~~(b)  A person convicted of a violation of this chapter is ineligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor until the fifth anniversary of the date of the conviction.~~]

SECTION 2.  Section 455.160(h), Occupations Code, is amended to read as follows:

(h)  On receipt of a request for a renewal of a license issued under this chapter, the department shall [~~may~~] conduct a criminal background check under Section 455.1525.

SECTION 3.  Subchapter D, Chapter 455, Occupations Code, is amended by adding Section 455.161 to read as follows:

Sec. 455.161.  STUDENT PERMIT; ELIGIBILITY. (a) The department shall require a student enrolled in a massage school in this state to hold a permit stating the student's name and the name of the school. The permit must be displayed in a reasonable manner at the school.

(b)  The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by any required fee.

(c)  An applicant for a student permit described by this section shall:

(1)  submit an enrollment application to the department in a form and manner prescribed by the department; and

(2)  satisfy other requirements specified by the department.

SECTION 4.  Subchapter E, Chapter 455, Occupations Code, is amended by adding Section 455.2035 to read as follows:

Sec. 455.2035.  REPORTS TO DEPARTMENT. (a) A massage school shall maintain a monthly progress report regarding each student attending the school.  The report must certify the daily attendance record of each student and the number of credit hours earned by each student during the previous month.

(b)  On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

SECTION 5.  Section 455.158, Occupations Code, is repealed.

SECTION 6.  Not later than January 1, 2020, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act to Chapter 455, Occupations Code.

SECTION 7.  Section 455.160(h), Occupations Code, as amended by this Act, applies only to an application for the renewal of a license submitted on or after the effective date of this Act. An application submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 8.  (a) In this section, "massage school" has the meaning assigned by Section 455.001, Occupations Code.

(b)  Section 455.161, Occupations Code, as added by this Act, applies to a student who is enrolled in a massage school on or after January 1, 2020.

(c)  The Texas Commission of Licensing and Regulation shall adopt rules under Section 455.161, Occupations Code, as added by this Act, not later than November 1, 2019.

SECTION 9.  (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b)  Sections 455.161 and 455.2035, Occupations Code, as added by this Act, take effect January 1, 2020.