86R1553 KKR-D

By:  Nelson S.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to registration and safety requirements for flotation tank facilities; authorizing a fee.

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

SECTION 1.  Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. FLOTATION TANK FACILITIES

Sec. 769.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Commission of Licensing and Regulation.

(2)  "Department" means the Texas Department of Licensing and Regulation.

(3)  "Flotation tank" means a lightless, soundproof tank filled with salt water maintained at or near body temperature in which an individual floats without tactile, auditory, or visual cues. The term includes an isolation tank and a sensory deprivation tank.

(4)  "Flotation tank facility" means a business that provides flotation tank services to the public for a fee.

Sec. 769.002.  CERTIFICATE OF REGISTRATION REQUIRED. A person may not operate a flotation tank facility unless the person holds a certificate of registration issued by the department under this chapter.

Sec. 769.003.  TERM. A flotation tank facility certificate of registration expires on the first anniversary of the date of issuance.

Sec. 769.004.  CERTIFICATE POSTING. A person who holds a certificate of registration for a flotation tank facility shall post the certificate in a conspicuous place at each location operated by the certificate holder.

Sec. 769.005.  EXEMPTION FROM REGISTRATION REQUIREMENT. A person who holds a certificate of registration issued for a facility under Chapter 702, Occupations Code, is exempt from the registration requirement under this chapter for that facility.

Sec. 769.006.  CHANGE OF INFORMATION. If the information provided in an application for a certificate of registration changes, the certificate holder shall amend the application not later than the 90th day after the date the change occurs.

Sec. 769.007.  FIRST AID AND CARDIOPULMONARY RESUSCITATION CERTIFICATION REQUIRED. (a) A person that holds a flotation tank facility certificate of registration shall ensure that each employee of the facility holds a current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification.

(b)  A person that operates a flotation tank facility shall submit to the department with each initial or renewal application for a certificate of registration satisfactory evidence of compliance with this section.

Sec. 769.008.  RULES; FEES. (a) The commission shall adopt rules to implement this chapter and protect the public health, including rules on:

(1)  the form and manner for applying for or renewing a flotation tank facility certificate of registration;

(2)  standards for flotation tanks and flotation tank facilities;

(3)  the manner of filing complaints; and

(4)  any inspections the commission considers necessary.

(b)  The department may charge an applicant for the issuance or renewal of a flotation tank facility certificate of registration a reasonable fee to cover the cost of issuance or renewal of the certificate.

SECTION 2.  Not later than December 1, 2019, the Texas Commission of Licensing and Regulation shall adopt rules required by Section 769.008, Health and Safety Code, as added by this Act. The commission may adopt the initial rules in the manner provided by law for emergency rules.

SECTION 3.  Notwithstanding Chapter 769, Health and Safety Code, as added by this Act, a person is not required to comply with that chapter until January 1, 2020.

SECTION 4.  This Act takes effect September 1, 2019.