

By: Hernandez

H.B. No. 1095

Substitute the following for H.B. No. 1095:

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C.S.H.B. No. 1095

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the imposition of certain criminal history record  
3 information requirements regarding the licensing of massage  
4 therapy.

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

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

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

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

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

23 (1) provided by the individual under this section; and

24 (2) made available to the department by the Department

1 of Public Safety, the Federal Bureau of Investigation, and any  
2 other criminal justice agency under Chapter 411, Government Code.

3 (d) The department may:

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

7 (2) authorize the Department of Public Safety to  
8 collect from each applicant the costs incurred by the Department of  
9 Public Safety in conducting the criminal history record information  
10 check.

11 (e) For purposes of this section, if the applicant for a  
12 license is an entity, the applicant must submit fingerprints as  
13 required by Subsection (a) for each individual who:

14 (1) personally or constructively holds, including as  
15 the beneficiary of a trust:

16 (A) at least 10 percent of the entity's  
17 outstanding stock; or

18 (B) more than \$25,000 of the fair market value of  
19 the entity;

20 (2) has the controlling interest in the entity;

21 (3) has a direct or indirect participating interest  
22 through shares, stock, or otherwise, regardless of whether voting  
23 rights are included, of more than 10 percent of the profits,  
24 proceeds, or capital gains of the entity;

25 (4) is a member of the board of directors or other  
26 governing body of the entity; or

27 (5) serves as:

1                   (A) an elected officer of the entity; or

2                   (B) a general manager of the entity.

3           SECTION 2. The heading to Section 455.160, Occupations  
4 Code, is amended to read as follows:

5           Sec. 455.160. LICENSE TERM AND RENEWAL; CRIMINAL HISTORY  
6 RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL.

7           SECTION 3. Section 455.160, Occupations Code, is amended by  
8 adding Subsections (b), (c), and (d) to read as follows:

9           (b) A license holder renewing a license issued under this  
10 chapter shall submit a complete and legible set of fingerprints for  
11 purposes of performing a criminal history record information check  
12 of the license holder as provided by Section 455.1525.

13           (c) The department may administratively suspend or refuse  
14 to renew the license of a person who does not comply with the  
15 requirement of Subsection (b).

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

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

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

22           SECTION 4. Section 455.160(h), Occupations Code, is  
23 repealed.

24           SECTION 5. (a) Sections 455.1525 and 455.160, Occupations  
25 Code, as amended by this Act, apply only to an application for the  
26 issuance or renewal of a license submitted to the Texas Department  
27 of Licensing and Regulation on or after the effective date of this

1 Act. An application for the issuance or renewal of a license  
2 submitted before the effective date of this Act is governed by the  
3 law in effect on the date the application was submitted, and the  
4 former law is continued in effect for that purpose.

5 (b) Not later than September 1, 2021, the Texas Department  
6 of Licensing and Regulation shall obtain criminal history record  
7 information on each person who, on the effective date of this Act,  
8 holds a license issued under Chapter 455, Occupations Code, and did  
9 not undergo a criminal history record information check based on  
10 the license holder's fingerprints on initial application for the  
11 license. The department may suspend the license of a license holder  
12 who does not provide the criminal history record information as  
13 required by the department and this subsection.

14 SECTION 6. This Act takes effect September 1, 2019.