

By: Hernandez

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

13 Sec. 455.160. LICENSE TERM AND RENEWAL; CRIMINAL HISTORY  
14 RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL.

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

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

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

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

27 (1) Section 455.1525 for the initial issuance of the

1 license; or

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

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4 repealed.

5 SECTION 5. Sections 455.1525 and 455.160, Occupations Code,  
6 as amended by this Act, apply only to an application for the  
7 issuance or renewal of a license submitted to the Texas Department  
8 of Licensing and Regulation on or after the effective date of this  
9 Act. An application for the issuance or renewal of a license  
10 submitted before the effective date of this Act is governed by the  
11 law in effect on the date the application was submitted, and the  
12 former law is continued in effect for that purpose.

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