

By: Landgraf

H.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the licensing and regulation of massage therapy;
3 requiring a student permit; authorizing fees.

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

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

7 Sec. 455.152. INELIGIBILITY FOR LICENSE. [~~(a)~~] A person is
8 not eligible for a license as a massage establishment, massage
9 school, massage therapist, or massage therapy instructor if the
10 person is an individual and has been convicted of, entered a plea of
11 nolo contendere or guilty to, or received deferred adjudication for
12 an offense under Chapter 20A, Penal Code, or Subchapter A, Chapter
13 43, Penal Code, or another sexual offense.

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

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

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

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

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

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

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

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

13 (2) satisfy other requirements specified by the
14 department.

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

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

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

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

27 SECTION 6. Not later than January 1, 2020, the Texas

1 Commission of Licensing and Regulation shall adopt rules necessary
2 to implement the changes in law made by this Act to Chapter 455,
3 Occupations Code.

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

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

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

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

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

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