

By: Hernandez, Frullo

H.B. No. 2464

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of massage schools and the issuance of a  
3 permit to massage school students; requiring an occupational  
4 permit; authorizing a fee.

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

6 SECTION 1. Section 455.053, Occupations Code, is amended to  
7 read as follows:

8 Sec. 455.053. RULES REGARDING MASSAGE SCHOOLS. (a) Rules  
9 adopted under this chapter relating to a massage school must  
10 contain minimum standards for:

11 (1) the issuance, denial, renewal, suspension,  
12 revocation, or probation of a license under this chapter;

13 (2) the qualifications of professional personnel;

14 (3) the supervision of professional personnel;

15 (4) the equipment essential to the education, health,  
16 and safety of students, massage school personnel, and the public;

17 (5) the sanitary and hygienic conditions of a massage  
18 school;

19 (6) the provision of massage therapy or other massage  
20 services by a massage school or student;

21 (7) the maximum number of hours a student may  
22 accumulate in a massage school's internship program before the  
23 student is required to be licensed under this chapter;

24 (8) the educational and clinical records kept by a

1 massage school;

2 (9) the organizational structure of a massage school,  
3 including the lines of authority and the delegation of  
4 responsibility;

5 (10) fire prevention and safety in a massage school;

6 (11) the massage school's curriculum and educational  
7 material;

8 (12) massage school inspections; and

9 (13) any other aspect of the operation of a massage  
10 school that the commission considers necessary to protect students,  
11 massage school personnel, or the public.

12 (b) The commission may adopt rules to:

13 (1) authorize a massage school to account for any  
14 hours of instruction completed under this chapter on the basis of  
15 clock hours or course hours; and

16 (2) establish standards for determining the  
17 equivalency and conversion of clock hours to course hours and  
18 course hours to clock hours.

19 SECTION 2. The heading to Section 455.151, Occupations  
20 Code, is amended to read as follows:

21 Sec. 455.151. LICENSE OR PERMIT REQUIRED.

22 SECTION 3. Section 455.151(b), Occupations Code, is amended  
23 to read as follows:

24 (b) Unless the person is exempt from the licensing  
25 requirement, a person may not represent that the person is a massage  
26 therapist, massage school, massage therapy instructor, or massage  
27 establishment unless the person holds an appropriate license under

1 this chapter. A person may not represent that the person is a  
2 massage student unless the person holds a student permit issued  
3 under Section 455.1581.

4 SECTION 4. Subchapter D, Chapter 455, Occupations Code, is  
5 amended by adding Section 455.1581 to read as follows:

6 Sec. 455.1581. STUDENT PERMIT. (a) The department shall  
7 require a student to hold a student permit if the student is  
8 enrolled in a massage school in this state.

9 (b) The department shall issue a student permit to an  
10 applicant who:

11 (1) submits an application to the department for a  
12 student permit in the form prescribed by the department;

13 (2) satisfies other requirements specified by the  
14 department; and

15 (3) pays the application fee set by the commission.

16 (c) The permit must:

17 (1) state the student's name; and

18 (2) state the name of the school in which the student  
19 is enrolled.

20 (d) A student permit holder who provides massage therapy as  
21 part of the course of instruction required for a massage therapist  
22 license:

23 (1) is exempt from licensing under this chapter; and

24 (2) may not be compensated for providing massage  
25 therapy.

26 SECTION 5. Subchapter E, Chapter 455, Occupations Code, is  
27 amended by adding Sections 455.2031 and 455.2032 to read as

1 follows:

2 Sec. 455.2031. DAILY ATTENDANCE RECORDS. (a) A massage  
3 school shall maintain an attendance record of the students' daily  
4 attendance in a manner prescribed by the department.

5 (b) The department may inspect a school's attendance record  
6 at any time.

7 Sec. 455.2032. REPORTS TO DEPARTMENT. (a) A massage school  
8 shall maintain a monthly progress report regarding each student  
9 attending the school. The report must certify the daily attendance  
10 record of each student and the number of course hours and internship  
11 hours earned by each student during the previous month.

12 (b) On a student's completion of a prescribed course of  
13 instruction, a massage school shall notify the department that the  
14 student has completed the required number of hours.

15 (c) On completion of the required number of hours, the  
16 department shall determine whether a student is eligible to take  
17 the appropriate examination.

18 SECTION 6. The heading to Section 455.204, Occupations  
19 Code, is amended to read as follows:

20 Sec. 455.204. DISPLAY OF LICENSE OR PERMIT.

21 SECTION 7. Sections 455.204(a) and (c), Occupations Code,  
22 are amended to read as follows:

23 (a) A person who holds a license or student permit shall  
24 publicly display the license or permit, as applicable, as specified  
25 by the department.

26 (c) Each massage school, massage student, massage  
27 establishment, massage therapy instructor, or massage therapist

1 shall present the person's license or student permit, as  
2 applicable, on the request of the department, an authorized  
3 representative of the department, or a peace officer.

4 SECTION 8. Section 455.158, Occupations Code, is repealed.

5 SECTION 9. (a) Not later than March 1, 2020, the Texas  
6 Commission of Licensing and Regulation and the Texas Department of  
7 Licensing and Regulation, as appropriate, shall adopt any rules or  
8 forms necessary to implement the changes in law made by this Act to  
9 Chapter 455, Occupations Code.

10 (b) Notwithstanding Section 455.151, Occupations Code, as  
11 amended by this Act, Section 455.1581, Occupations Code, as added  
12 by this Act, Section 455.204, Occupations Code, as amended by this  
13 Act, and the repeal by this Act of Section 455.158, Occupations  
14 Code, a student enrolled in a massage school in this state is not  
15 required to comply with the changes in law made by this Act until  
16 June 1, 2020.

17 (c) A massage school shall submit the first monthly report  
18 and the first notice of student completion required under Section  
19 455.2032, Occupations Code, as added by this Act, not later than  
20 July 1, 2020.

21 SECTION 10. This Act takes effect September 1, 2019.