

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

1 of registration expires on the first anniversary of the date of
2 issuance.

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

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

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

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

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

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

1 including rules on:

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

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

6 (3) the manner of filing complaints; and

7 (4) any inspections the commission considers
8 necessary.

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

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

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

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