

**House Bill 2747**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. Section 455.1525, Occupations Code, is amended to read as follows:</p> <p>Sec. 455.1525. <u>CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE ISSUANCE</u> <del>[BACKGROUND CHECKS]</del>. (a) <u>The department shall require an applicant for a license to submit a complete and legible set of fingerprints, on a form prescribed by the department, to the department or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation [On receipt of an application for a license under this chapter, the department shall conduct a criminal background check on the applicant].</u></p> <p><u>(b) The department may not issue a license to a person who does not comply with the requirement of Subsection (a).</u></p> <p><u>(c) The department shall conduct a criminal history record information check of each applicant for a license using information:</u></p> <p><u>(1) provided by the individual under this section; and</u></p> <p><u>(2) made available to the department by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.</u></p> <p><u>(d) The department may:</u></p> <p><u>(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and</u></p> <p><u>(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.</u></p>	<p>No equivalent provision.</p>	

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<p><u>(e) For purposes of this section, if the applicant for a license is an entity, the applicant must submit fingerprints as required by Subsection (a) for each individual who:</u></p> <p><u>(1) personally or constructively holds, including as the beneficiary of a trust:</u></p> <p><u>(A) at least 10 percent of the entity's outstanding stock; or</u></p> <p><u>(B) more than \$25,000 of the fair market value of the entity;</u></p> <p><u>(2) has the controlling interest in the entity;</u></p> <p><u>(3) has a direct or indirect participating interest through shares, stock, or otherwise, regardless of whether voting rights are included, of more than 10 percent of the profits, proceeds, or capital gains of the entity;</u></p> <p><u>(4) is a member of the board of directors or other governing body of the entity; or</u></p> <p><u>(5) serves as:</u></p> <p><u>(A) an elected officer of the entity; or</u></p> <p><u>(B) a general manager of the entity.</u></p>		

SECTION 2. Section 455.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A massage establishment may not:

(1) employ an individual who is not a United States citizen or a legal permanent resident with a valid work permit;

(2) employ a minor unless the minor's parent or legal guardian authorizes in writing the minor's employment by the establishment;

(3) allow a nude or partially nude employee to provide massage therapy or other massage services to a customer;

No equivalent provision.

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<p>(4) allow any individual, including a client, student, license holder, or employee, to engage in sexual contact in the massage establishment; <del>[or]</del></p> <p>(5) allow any individual, including a student, license holder, or employee, to practice massage therapy in the nude or in clothing designed to arouse or gratify the sexual desire of any individual; <u>or</u></p> <p><u>(6) allow any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment.</u></p> <p><u>(e) Subsection (b)(6) does not apply to:</u></p> <p><u>(1) a place of business exempted under Section 455.155(c)(2) from the requirement to hold a license as a massage establishment; or</u></p> <p><u>(2) a licensed massage therapist who practices as a solo practitioner and who is exempted under Section 455.155(b) from the requirement to hold a license as a massage establishment.</u></p> <p>SECTION 3. Section 455.204, Occupations Code, is amended by adding Subsection (b-1) to read as follows:</p> <p><u>(b-1) The license of a massage therapist that is posted under Subsection (b) must have attached to the front of the license a photograph of the massage therapist.</u></p> <p>SECTION 4. Subchapter E, Chapter 455, Occupations Code, is amended by adding Section 455.207 to read as follows:</p> <p><u>Sec. 455.207. POSTING OF CERTAIN NOTICES REQUIRED. (a) Each massage establishment and massage</u></p>	<p>No equivalent provision.</p> <p>SECTION 1. Same as House version.</p>	

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<p><u>school shall display in the form and manner prescribed by the commission a sign concerning services and assistance available to victims of human trafficking.</u></p> <p><u>(b) The sign required by this section must:</u></p> <p><u>(1) be in English, Spanish, Korean, Mandarin, and any other language required by commission rule;</u></p> <p><u>(2) include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking; and</u></p> <p><u>(3) be displayed in a conspicuous place clearly visible to the public.</u></p> <p><u>(c) The commission by rule shall establish requirements regarding the posting of signs under this section.</u></p>		
<p>SECTION 5. Not later than March 1, 2020, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act to Chapter 455, Occupations Code.</p>	<p>SECTION 2. (a) Not later than March 1, 2020, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement Section 455.207, Occupations Code, as added by this Act.</p>	
<p>SECTION 6. (a) Section 455.1525, Occupations Code, as amended by this Act, applies only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.</p> <p>(b) Not later than September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record information on each person who, on the effective date</p>	<p>No equivalent provision.</p>	

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<p>of this Act, holds a license issued under Chapter 455, Occupations Code, and did not undergo a criminal history record information check based on the license holder's fingerprints on initial application for the license. The department may suspend the license of a license holder who does not provide the criminal history record information as required by the department and this subsection.</p> <p>SECTION 7. A massage establishment, as defined by Section 455.001, Occupations Code, shall comply with:</p> <p>(1) Section 455.204(b-1), Occupations Code, as added by this Act, not later than January 1, 2020; and</p> <p>(2) Section 455.207, Occupations Code, as added by this Act, not later than April 1, 2020.</p> <p>SECTION 8. This Act takes effect September 1, 2019.</p>	<p>SECTION 2. (b) A massage establishment, as defined by Section 455.001, Occupations Code, shall comply with Section 455.207, Occupations Code, as added by this Act, not later than April 1, 2020.</p> <p>SECTION 3. Same as House version.</p>	