

The House Committee on Licensing & Administrative Procedures

87th Legislature

September 14, 2022

10:30 a.m.

E2.026

Pursuant to a notice posted on July 29, 2022, the House Committee on Licensing & Administrative Procedures met in a public hearing and was called to order by the chair, Representative Thompson, Senfronia, at 10:33 a.m.

The initial quorum call was answered as follows: Representatives Thompson, Senfronia; Kuempel; Darby; Fierro; Geren; Harrison; Hernandez; and Huberty.

A quorum was present.

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The Chair provided opening remarks.

(Representative Guillen now present.)

Oversight: Texas Alcoholic Beverage Commission (TABC) and examine the impact of the dicamba herbicide on the implementation of HB1957, relating to the labeling of wine as originating from an area of this state or with the name of a vineyard in this state.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Lujan now present.)

Testimony continued. (See attached witness list.)

Recommendation #1. Require any owner or operator of a massage establishment or massage school to allow TDLR, their authorized representative, or a peace officer immediate access to any portion of the premises upon request for inspection and compliance.

Rep. Guillen moved to adopt recommendation #1.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Hernandez; Huberty; Lujan (7).

Nays: Representative Harrison (1).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

Recommendation #2. Add sexual assault and aggravated sexual assault to the list of offenses that will prohibit an individual from becoming licensed as a massage establishment, massage school, massage therapist, or massage therapy instructor if they have been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for said offense.

Rep. Guillen moved to adopt recommendation #2.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Harrison; Hernandez; Huberty; Lujan (8).

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Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

Recommendation #3. Clarify that in an action brought by a district, county or municipal attorney, any civil penalty awarded by a court must be paid to the county where the court is located.

Rep. Huberty moved to adopt recommendation #3.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Harrison; Hernandez; Huberty; Lujan (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

Recommendation #4. Require TDLR to require a student enrolled in a massage school to hold a permit with a photo of the student, along with the student's name and the name of the school.

Rep. Fierro moved to adopt recommendation #4.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Harrison; Hernandez; Huberty; Lujan (8).

Nays: None (0).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

Recommendation #5. A massage establishment shall not be operated between the hours of 10:00 pm and 8:00 am on any day; all doors of a massage establishment shall remain unlocked during normal business hours; the storefront windows of a massage establishment must be transparent and provide an unobstructed view from the outside into the lobby, waiting area, or lobby and waiting area; and a massage establishment shall not locate or maintain an automatic teller machine (ATM).

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Chair Thompson moved to adopt recommendation #5.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Hernandez; Huberty; Lujan (7).

Nays: Representative Harrison (1).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

Recommendation #6. Allow the Lottery Commission to inspect gambling devices and to investigate allegations of illegal gaming subject to the Lottery Commission's jurisdiction under Texas law; require the Lottery Commission to submit its cases to local law enforcement and prosecutors; require the Lottery Commission to cooperate with local law enforcement efforts to investigate illegal gambling and aid local prosecutors filing criminal charges for illegal gaming.

Rep. Huberty moved to adopt recommendation #6.

The recommendation was adopted by the following record vote:

Ayes: Representatives Thompson, Senfronia; Kuempel; Fierro; Guillen; Hernandez; Huberty; Lujan (7).

Nays: Representative Harrison (1).

Present, Not Voting: None (0).

Absent: Representatives Darby; Geren; Goldman (3).

At 11:41 a.m., on the motion of Representative Guillen and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Thompson, Senfronia, Chair

Milda Mora, Clerk

