88R7993 JTZ-D

By:  Collier H.B. No. 5116

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for certain occupational licenses based on an arrest or conviction for certain offenses involving a controlled substance.

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

SECTION 1.  Section 802.107, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d)  Notwithstanding Sections 51.356 and 51.4012 and Chapter 53, the department may not deny issuance of a license to, refuse to renew the license of, or revoke or suspend a license held by a person based on the person's arrest or conviction for an offense involving the possession, manufacture, or delivery of a controlled substance.

SECTION 2.  Section 1603.401, Occupations Code, is amended to read as follows:

Sec. 1603.401.  DENIAL, SUSPENSION, OR REVOCATION. (a) The department may deny an application for issuance or renewal of, or may suspend or revoke, a license or permit if the applicant or person holding the license or permit:

(1)  engages in gross malpractice;

(2)  knowingly continues to practice while having an infectious or contagious disease;

(3)  knowingly makes a false or deceptive statement in advertising;

(4)  advertises, practices, or attempts to practice under another person's name or trade name;

(5)  engages in fraud or deceit in obtaining a license or permit; or

(6)  engages in an act that violates this chapter or Chapter 51 or a rule or order adopted or issued under this chapter or Chapter 51.

(b)  Notwithstanding Sections 51.356 and 51.4012 and Chapter 53, the department may not deny an application for issuance or renewal of, or suspend or revoke, a license or permit based on the arrest or conviction of the applicant or license or permit holder for an offense involving the possession, manufacture, or delivery of a controlled substance.

SECTION 3.  This Act takes effect September 1, 2023.