

By: Thimesch

H.B. No. 2134

Substitute the following for H.B. No. 2134:

By: Patterson

C.S.H.B. No. 2134

A BILL TO BE ENTITLED

1 AN ACT
2 relating to regulation of massage therapists and massage
3 establishments by political subdivisions.

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

5 SECTION 1. Section 455.005, Occupations Code, is amended by
6 amending Subsections (b) and (c) and adding Subsections (b-1) and
7 (e) to read as follows:

8 (b) Subject to Subsections (b-1) and (c), this ~~[This]~~
9 chapter does not affect a local regulation that:

10 (1) relates to:

11 (A) zoning requirements, including conditional
12 use permits;

13 (B) hours of operation; or

14 (C) other ~~[similar]~~ regulations similar to those
15 described by Paragraph (A) or (B) for massage establishments;

16 (2) authorizes or requires an investigation into the
17 background of an owner or operator of, or an investor in, a massage
18 establishment; or

19 (3) does not relate directly to the practice of
20 massage therapy as performed by a licensed massage therapist,
21 including a regulation related to a license holder listed in
22 Section 455.004, while the therapist:

23 (A) performs under the applicable licensing law;

24 and

1 (B) works with a licensed massage therapist.

2 (b-1) Except as provided by Chapter 243, Local Government
3 Code, a political subdivision may not adopt a regulation of the type
4 described by Subsection (b) that is more restrictive for massage
5 therapists than for other health care professionals.

6 (c) A [Except as provided by Chapter 243, Local Government
7 Code, a] political subdivision may not adopt a regulation of the
8 type described by Subsection (b) that is more restrictive for
9 [massage therapists or] massage establishments than for other
10 health care [professionals or] establishments, except that a more
11 restrictive regulation of the type described by Subsection (b) may
12 be adopted:

13 (1) as provided by Chapter 243, Local Government Code;

14 (2) if regulating the hours of operation of a massage
15 establishment; or

16 (3) if the regulation relates to the location,
17 ownership, or operation of a massage establishment:

18 (A) where three or more arrests have occurred or
19 citations in lieu of arrest have been issued for an offense under
20 Section 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code;

21 (B) where an offense under Chapter 20A, or
22 Section 34.02, 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal
23 Code, occurred that resulted in a conviction;

24 (C) that is operating at a location where another
25 massage establishment against which a sanction was imposed for a
26 violation of this chapter previously operated; or

27 (D) that is operating at a location where another

1 massage establishment owned or operated by an individual against
2 whom a sanction was imposed for a violation of this chapter
3 previously operated.

4 (e) In this section, "sanction" has the meaning assigned by
5 Section [51.001](#).

6 SECTION 2. This Act takes effect September 1, 2023.