

By: Thimesch

H.B. No. 2134

A BILL TO BE ENTITLED

AN ACT

relating to regulation of massage therapists and massage establishments by political subdivisions.

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

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

(b) Subject to Subsection (c), this ~~[This]~~ chapter does not affect a local regulation that:

(1) relates to:

(A) zoning requirements, including conditional use permits;

(B) hours of operation; or

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

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

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

(A) performs under the applicable licensing law;

and

1 (B) works with a licensed massage therapist.

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

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

10 (2) if regulating the hours of operation of a massage  
11 therapist or massage establishment; or

12 (3) if the regulation relates to the ownership or  
13 operation of a massage establishment, or the provision of massage  
14 therapy, by a person:

15 (A) who has on three or more occasions been  
16 arrested or issued a citation in lieu of arrest for an offense under  
17 Section 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code;

18 (B) who has been convicted of an offense under  
19 Chapter 20A, or Section 34.02, 43.02, 43.021, 43.03, 43.04, 43.05,  
20 or 71.02, Penal Code;

21 (C) against whom a sanction has been imposed for  
22 a violation of this chapter; or

23 (D) who has owned or operated a massage  
24 establishment against which a sanction has been imposed for a  
25 violation for this chapter.

26 (e) In this section, "sanction" has the meaning assigned by  
27 Section 51.001.

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