

1-1 By: Johnson S.B. No. 483
 1-2 (In the Senate - Filed January 18, 2023; February 17, 2023,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 31, 2023, reported favorably by the following vote: Yeas 11,
 1-5 Nays 0; March 31, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of massage therapy.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 51.355, Occupations Code, is amended by
 1-24 adding Subsections (a-1) and (a-2) to read as follows:
 1-25 (a-1) Subsection (a) does not apply to a person whose
 1-26 license was revoked under Section 455.251(b)(1).
 1-27 (a-2) This subsection and Subsection (a-1) expire September
 1-28 1, 2025.
 1-29 SECTION 2. Section 455.152, Occupations Code, is amended to
 1-30 read as follows:
 1-31 Sec. 455.152. INELIGIBILITY FOR LICENSE. A person is not
 1-32 eligible for a license as a massage establishment, massage school,
 1-33 massage therapist, or massage therapy instructor if the person is
 1-34 an individual and has been convicted of, entered a plea of nolo
 1-35 contendere or guilty to, or received deferred adjudication for:
 1-36 (1) an offense under Chapter 20A, Penal Code, or
 1-37 Section 43.03, 43.031, 43.04, 43.041, or 43.05 [Subchapter A,
 1-38 Chapter 43], Penal Code; [7] or
 1-39 (2) an offense under federal law or the laws of another
 1-40 state containing elements that are substantially similar to the
 1-41 elements of an offense described by Subdivision (1) [another sexual
 1-42 offense].
 1-43 SECTION 3. The heading to Section 455.251, Occupations
 1-44 Code, is amended to read as follows:
 1-45 Sec. 455.251. GROUNDS FOR LICENSE DENIAL, [OR] DISCIPLINARY
 1-46 ACTION, OR ADMINISTRATIVE PENALTY.
 1-47 SECTION 4. Sections 455.251(a) and (b), Occupations Code,
 1-48 are amended to read as follows:
 1-49 (a) The commission or executive director may refuse to issue
 1-50 a license to a person, ~~and shall~~ suspend, revoke, or refuse to
 1-51 renew the license of a person, or impose an administrative penalty
 1-52 under Subchapter F, Chapter 51, on [shall reprimand] a person
 1-53 licensed under this chapter if the person:
 1-54 (1) obtains or attempts to obtain a license by fraud,
 1-55 misrepresentation, or concealment of material facts;
 1-56 (2) sells, barter, or offers to sell or barter a
 1-57 license;
 1-58 (3) violates a rule adopted by the commission under
 1-59 this chapter;
 1-60 (4) engages in unprofessional conduct as defined by
 1-61 commission rule that endangers or is likely to endanger the health,

2-1 welfare, or safety of the public;

2-2 (5) violates an order or ordinance adopted by a
2-3 political subdivision under Chapter 243, Local Government Code; or

2-4 (6) violates this chapter.

2-5 (b) The commission or executive director shall revoke the
2-6 license of a person licensed as a massage therapist or massage
2-7 therapy instructor if:

2-8 (1) the person is convicted of, enters a plea of nolo
2-9 contendere or guilty to, or receives deferred adjudication for:

2-10 (A) an offense under Chapter 20A, Penal Code, or
2-11 Section 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code
2-12 [~~involving prostitution or another sexual offense~~]; or

2-13 (B) an offense under federal law or the laws of
2-14 another state containing elements that are substantially similar to
2-15 the elements of an offense described by Paragraph (A); or

2-16 (2) the commission or executive director determines
2-17 the person has practiced or administered massage therapy at or for a
2-18 sexually oriented business.

2-19 SECTION 5. As soon as practicable after the effective date
2-20 of this Act, the Texas Commission of Licensing and Regulation shall
2-21 adopt rules necessary to implement Sections 455.152 and 455.251,
2-22 Occupations Code, as amended by this Act.

2-23 SECTION 6. Section 51.355(a-1), Occupations Code, as added
2-24 by this Act, applies only with respect to a license revoked under
2-25 Section 455.251(b)(1), Occupations Code, as that section existed
2-26 immediately before the effective date of this Act.

2-27 SECTION 7. This Act takes effect immediately if it receives
2-28 a vote of two-thirds of all the members elected to each house, as
2-29 provided by Section 39, Article III, Texas Constitution. If this
2-30 Act does not receive the vote necessary for immediate effect, this
2-31 Act takes effect September 1, 2023.

2-32 * * * * *