

BILL ANALYSIS

Senate Research Center
89R5416 JCG-D

H.B. 1732
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Licensing and Regulation (TDLR) and law enforcement agencies have identified instances where individuals convicted of sexual offenses have continued working in the massage industry as licensed massage therapists or instructors. In 2024, TDLR received 218 complaints of sexual misconduct and 68 allegations of sexual assault involving massage therapists. Current law permits license ineligibility for certain offenses under the Penal Code, such as sexual assault and aggravated sexual assault, but it does not explicitly prohibit licensure for individuals convicted of indecent assault.

H.B. 1732 would address this gap by making a person ineligible for obtaining licensure as a massage establishment, massage school, massage therapist or massage therapy instructor if they have been convicted of, entered a plea of nolo contendere, pled guilty, or received deferred adjudication for indecent assault. The bill expressly grants rulemaking authority to TDLR to implement the provisions of the bill. H.B. 1732 would include indecent assault as a reason for ineligibility for licensure in the massage industry, in addition to the existing provisions for sexual assault and aggravated sexual assault, which would create safeguards for clients.

H.B. 1732 amends current law relating to the regulation of massage therapy.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 455.152, Occupations Code, as amended by Chapters 13 (S.B. 483) and 440 (H.B. 2016), Acts of the 88th Legislature, Regular Session, 2023, and amends it, as follows:

Sec. 455.152. INELIGIBILITY FOR LICENSE. Provides that a person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for certain offenses, including an offense under Chapter 20A (Trafficking of Persons), Penal Code, or certain sections of the Penal Code, including Section 22.012 (Incident Assault), Penal Code. Makes a nonsubstantive change.

SECTION 2. Amends Section 455.251(b), Occupations Code, as follows:

(b) Requires the Texas Commission of Licensing and Regulation (TCLR) or the executive director of the Texas Department of Licensing and Regulation (executive director) to revoke the license of a person licensed as a massage therapist or massage therapy instructor if certain conditions are met, including if the person is convicted of, enters a plea of nolo contendere or guilty to, or receives deferred adjudication for an offense described by Section 455.152 (Ineligibility for License), rather than an offense under certain provisions of the Penal Code or an offense under federal law or the laws of

another state containing elements that are substantially similar to an offense described by those provisions. Makes nonsubstantive changes.

SECTION 3. Requires TCLR, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement Sections 455.152 and 455.251 (Grounds for License Denial, Disciplinary Action, or Administrative Penalty), Occupations Code, as amended by this Act.

SECTION 4. Effective date: September 1, 2025.