

BILL ANALYSIS

H.B. 2776
By: McLaughlin
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there are ongoing concerns regarding human trafficking, sexual misconduct, and unlicensed or unethical practices within the massage therapy industry in Texas. H.B. 2776 seeks to combat illicit activities in the industry while improving public safety by strengthening eligibility requirements for licensure and mandating the revocation of licenses for those convicted of specific criminal offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 of this bill.

ANALYSIS

H.B. 2776 reenacts and amends 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, to conform to all changes made by Chapter 13 (S.B. 483) that included certain prostitution offenses among the offenses for which a conviction, plea of guilty or nolo contendere, or deferred adjudication renders a person ineligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor and removed sexual offenses from those offenses and to conform to the changes made by Chapter 440 (H.B. 2016) that included sexual assault and aggravated sexual assault among those offenses. The bill further expands those offenses to include the following:

- an offense of:
 - continuous sexual abuse of a young child or disabled individual;
 - bestiality;
 - indecency with a child;
 - improper relationship between an educator and a student;
 - invasive visual recording;
 - unlawful disclosure or promotion of intimate visual material;
 - unlawful production or distribution of certain sexually explicit videos;
 - sexual coercion;
 - indecent assault;
 - prohibited sexual conduct;
 - sexual performance by a child;
 - possession or promotion of child pornography; or
 - possession or promotion of lewd visual material depicting a child;

- criminal attempt, conspiracy, or solicitation, under the Penal Code if the intended offense is an offense that renders the person ineligible under current statute or the bill for such a license; and
- an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense included by the bill's provisions.

The bill reflects these changes in the requirement for the Texas Commission of Licensing and Regulation (TCLR) or executive director of the Texas Department of Licensing and Regulation (TDLR) to revoke the license of a person licensed as a massage therapist or massage therapy instructor if the person is convicted of, enters a plea of nolo contendere or guilty to, or receives deferred adjudication for certain offenses. The bill requires TCLR, as soon as practicable after the bill's effective date, to adopt rules necessary to implement the bill's provisions relating to ineligibility for and revocation of an applicable massage license.

H.B. 2776 amends the Penal Code to include a massage therapist licensed by TDLR among the individuals designated as a health care services provider for purposes of statutory provisions relating to sexual assault. This provision applies only to an offense committed on or after the bill's effective date. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.