

## **BILL ANALYSIS**

Senate Research Center  
89R5409 JCG-F

S.B. 703  
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Business & Commerce  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas law aims to protect clients of massage therapy businesses from sexual assault, but loopholes in the current statutes lead to inconsistent enforcement regarding licensure for offenders. While current law bars persons convicted of sexual assault from obtaining a massage therapy license, vague language such as "another sexual offense" creates ambiguity, and indecent assault is not automatically disqualifying. S.B. 703 would remove the imprecise term "another sexual offense" and add indecent assault as an automatic bar to obtaining or retaining a massage therapy license. These changes would strengthen protections for Texans by preventing persons convicted of indecent assault from working as licensed massage therapists and ensuring consistent enforcement.

As proposed, S.B. 703 amends current law relating to the criminal and licensing consequences for the commission of certain offenses by massage establishments, massage schools, massage therapists, and massage therapy instructors.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 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 to read 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:

- (1) certain offenses, including an offense under Chapter 20A (Trafficking of Persons), Penal Code, or Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual), 21.09 (Bestiality), 21.11 (Indecency With a Child), 21.12 (Improper Relationship Between Educator and Student), 21.15 (Invasive Visual Recording), 21.16 (Unlawful Disclosure or Promotion of Intimate Visual Material), 21.165 (Unlawful Production or Distribution of Certain Sexually Explicit Videos), 21.18 (Sexual Coercion), 22.011 (Sexual Assault), 22.012 (Indecent Assault), 22.021 (Aggravated Sexual Assault), 25.02 (Prohibited Sexual Conduct), 43.25 (Sexual Performance by a Child), 43.26 (Possession or Promotion of Child Pornography), or 43.262 (Possession or Promotion of Lewd Visual Material Depicting Child), Penal Code. Makes nonsubstantive changes;
- (2) criminal attempt, conspiracy, or solicitation under Section 15.01 (Criminal Attempt), 15.02 (Criminal Conspiracy), or 15.03 (Criminal Solicitation), Penal Code, if the intended offense is an offense described by Subdivision (1); or
- (3) creates this subdivision from existing text and makes nonsubstantive changes.

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 TCLR (executive director) to revoke the license of a person licensed as a massage therapist or massage therapy instructor if:

- (1) 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, rather than under certain Penal Code provisions, and makes a nonsubstantive change; or
- (2) makes no changes to this subdivision.

Deletes existing text of Subsection(b)(1)(B) requiring TCLR or the executive director 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 an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense described by Paragraph (A).

SECTION 3. Amends Section 22.011(c), Penal Code, by amending Subdivision (3) to redefine "health care services provider."

SECTION 4. 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, Occupations Code, as amended by this Act.

SECTION 5. Makes application of Section 22.011, Penal Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2025.