

By: McLaughlin

H.B. No. 2776

A BILL TO BE ENTITLED

AN ACT

relating to the criminal and licensing consequences for the commission of certain offenses by massage establishments, massage schools, massage therapists, and massage therapy instructors.

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

SECTION 1. 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, is reenacted and amended to read as follows:

Sec. 455.152. INELIGIBILITY FOR LICENSE. 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) an offense under Chapter 20A, Penal Code [~~Section 22.011 or 22.021 Penal Code~~], or Section 21.02, 21.09, 21.11, 21.12, 21.15, 21.16, 21.165, 21.18, 22.011, 22.012, 22.021, 25.02, 43.021, 43.03, 43.031, 43.04, 43.041, [or] 43.05, 43.25, 43.26, or 43.262, Penal Code; [~~or~~]

(2) criminal attempt, conspiracy, or solicitation under Section 15.01, 15.02, or 15.03, Penal Code, if the intended offense is an offense described by Subdivision (1); or

(3) 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 Subdivision (1) or (2).

SECTION 2. Section 455.251(b), Occupations Code, is amended to read as follows:

(b) The commission or executive director shall 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

~~[(A)] an offense described by Section 455.152 [under Chapter 20A, Penal Code, or Section 43.021, 43.03, 43.031, 43.04, 43.041, or 43.05, Penal Code, or~~

~~[(B) 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)]~~; or

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

SECTION 3. Section 22.011(c), Penal Code, is amended by amending Subdivision (3) to read as follows:

(3) "Health care services provider" means:

(A) a physician licensed under Subtitle B, Title 3, Occupations Code;

(B) a chiropractor licensed under Chapter 201, Occupations Code;

(C) a physical therapist licensed under Chapter 453, Occupations Code;

(D) a physician assistant licensed under Chapter

1 204, Occupations Code; ~~[or]~~

2 (E) a registered nurse, a vocational nurse, or an
3 advanced practice nurse licensed under Chapter 301, Occupations
4 Code; or

5 (F) a massage therapist licensed under Chapter
6 455, Occupations Code.

7 SECTION 4. As soon as practicable after the effective date
8 of this Act, the Texas Commission of Licensing and Regulation shall
9 adopt rules necessary to implement Sections 455.152 and 455.251,
10 Occupations Code, as amended by this Act.

11 SECTION 5. Section 22.011, Penal Code, as amended by this
12 Act, applies only to an offense committed on or after the effective
13 date of this Act. An offense committed before the effective date of
14 this Act is governed by the law in effect on the date the offense was
15 committed, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense was committed
17 before the effective date of this Act if any element of the offense
18 occurred before that date.

19 SECTION 6. This Act takes effect September 1, 2025.