

CHAPTER 1014

H.B. No. 2466

AN ACT

relating to the regulation of massage therapists and massage establishments.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 8, Chapter 752, Acts of the 69th Legislature, Regular Session, 1985 (Article 4512k, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

*(i) The advisory council shall report attendance to the board.*

SECTION 2. Section 10, Chapter 752, Acts of the 69th Legislature, Regular Session, 1985 (Article 4512k, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

*(e) A person issued a certificate by the department may receive referrals from a physician to administer massage therapy.*

SECTION 3. Sections 11(a) and (b), Chapter 752, Acts of the 69th Legislature, Regular Session, 1985 (Article 4512k, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The department may refuse to issue a registration certificate to an applicant, may suspend or revoke a registration certificate, or may place a registered person on probation for any of the following causes:

- (1) obtaining a certificate by means of fraud, misrepresentation, or concealment of material facts;
- (2) selling, bartering, or offer to sell or barter a registration certificate;
- (3) violating any rule adopted by the board; [or]
- (4) *engaging in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public as defined by the rules established by the board; or*
- (5) violating any provisions of this Act.

(b) An individual who has been convicted of, *entered a plea of nolo contendere to, or received deferred adjudication to crimes or offenses involving prostitution or sexual offenses is ineligible for registration as a massage therapist.*

SECTION 4. Section 14, Chapter 752, Acts of the 69th Legislature, Regular Session, 1985 (Article 4512k, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. EFFECT ON LOCAL REGULATION. (a) *Except as provided by Subsection (b) of this section, this [This] Act supersedes any regulation adopted by a political subdivision of this state relating to the licensing or regulation of massage therapists.*

(b) *This Act [It] does not affect:*

- (1) local regulations relating to zoning requirements for massage establishments or other similar regulations;
- (2) *any local regulations that authorize or require an investigation into the background of an owner or operator of, or an investor in, a massage establishment; or*
- (3) *any local regulations that do not relate directly to the practice of massage therapy as performed by a registered massage therapist including those professions listed under Section 4 of this Act while performing duties under their respective licensing Acts while working with a registered massage therapist.*

SECTION 5. Section 15, Chapter 752, Acts of the 69th Legislature, Regular Session, 1985 (Article 4512k, Vernon's Texas Civil Statutes), is amended by adding Subsections (c) and (d) to read as follows:

(c) *The department may issue a massage therapist registration certificate to a person who possesses qualifications that would have entitled the person to registration under Subsection (b) of this section but who failed to apply for registration before January 1, 1986, if the person:*

- (1) *presents a verified application and affidavit to the department in a form prescribed by the department stating the reasons why the applicant failed to register by January 1, 1986; and*
- (2) *pays a late fee in an amount set by the department in addition to the required registration fee.*

(d) *An application for registration under Subsection (c) of this section must be made before January 1, 1988. This section expires January 1, 1988, except that it continues in effect for the disposition of any registration applications made under this section before that date. Expiration of this section does not affect the validity or renewal of a certificate issued under this section.*

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2466 on May 27, 1987, by the following vote: Yeas 136, Nays 0, 1 present, not voting. Passed by the Senate, with amendments, on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 19, 1987.

Effective June 19, 1987.