

BILL ANALYSIS

C.S.H.B. 2747

By: Ortega

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Establishments located throughout Texas that claim to offer massage therapy or massage therapy services have been reported as fronts for prostitution-related activity that is closely connected with human trafficking. These reports indicate that many of the women who work at these businesses are in debt bondage, experience barriers in language and culture, and do not hold state licenses to offer massage services. There have been calls to provide the Texas Department of Licensing and Regulation with the necessary tools to properly identify establishments that are coercing victims of human trafficking to provide illicit services. C.S.H.B. 2747 seeks to protect these victims and all Texas residents by prohibiting individuals from living on the premises of a massage therapy establishment, requiring a photograph of a massage therapist to appear on the license, and requiring a sign with information on services for human trafficking victims to be posted on-site in multiple languages.

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 SECTIONS 4 and 5 of this bill.

ANALYSIS

C.S.H.B. 2747 amends the Occupations Code to require the Texas Department of Licensing and Regulation (TDLR) to require an applicant for a license related to massage therapy to submit a complete and legible set of fingerprints, on a prescribed form, to TDLR or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the FBI. The bill prohibits TDLR from issuing a license to a person who does not comply with that requirement and requires TDLR to conduct a criminal history record information check of each license applicant using certain information. The bill authorizes TDLR to enter into an agreement with DPS to administer a criminal history record information check required by the bill and to authorize DPS to collect from each applicant the costs incurred by DPS in conducting the check. For purposes of these provisions, if the applicant is an entity, the applicant must submit fingerprints for each individual holding a specified ownership or investment interest in the entity or who is a member of the board of directors or other governing body of the entity or serves as an elected officer of the entity or a general manager of the entity. The bill requires TDLR, not later than September 1, 2021, to obtain criminal history record information on each person who, on the bill's effective date, holds a license related to massage therapy and did not undergo a criminal history record information check based on the license holder's fingerprints on initial application for the license and authorizes TDLR to suspend the license of a license holder who does not provide the required criminal history record information.

C.S.H.B. 2747 prohibits a massage establishment from allowing any individual, including a student, license holder, or employee, to reside on the premises of the massage establishment, unless the place of business is exempted from the requirement to hold a license as a massage establishment or unless the individual is a licensed massage therapist practicing as a solo practitioner and is exempt from the requirement to hold a license as a massage establishment.

C.S.H.B. 2747 requires the posted license of a massage therapist to have a photograph of the massage therapist attached to the front of the license and requires a massage establishment to comply with this requirement not later than January 1, 2020.

C.S.H.B. 2747 requires each massage establishment and massage school to display in the form and manner prescribed by the Texas Commission of Licensing and Regulation (TCLR) a sign concerning services and assistance available to victims of human trafficking. The bill sets out signage requirements. The bill requires TCLR by rule to establish requirements regarding the posting of such signs and to implement the changes in law made by the bill not later than March 1, 2020. The bill requires a massage establishment to comply with these provisions not later than April 1, 2020.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2747 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include an authorization for a peace officer, during an inspection or investigation of a massage establishment or massage school, to require a massage therapist to provide the therapist's fingerprints.

The substitute postpones the deadline by which TCLR is required to adopt rules necessary to implement the changes in law made by the bill to March 1, 2020, and the deadline by which a massage establishment must comply with the bill's provisions relating to such signs to April 1, 2020.