

BILL ANALYSIS

H.B. 321
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that current law governing health spas is outdated and misleading. H.B. 321 seeks to revise certain security requirements and to provide clarity regarding which businesses are required to register by replacing references to health spas with references to health clubs and further clarifying certain related definitions.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 321 amends the Occupations Code to rename the Health Spa Act as the Health Club Act and to replace references to a health spa in that act with references to a health club. The bill excludes from the term "health club" prepaid personal training services consisting of a specified number of sessions, an outdoor physical exercise program held at a public facility, and an entity operated exclusively to teach yoga. The bill removes the specification that the term "services" includes diet planning and establishes that an agreement between a seller and purchaser by which the purchaser is granted access to the facilities of a health club is a contract for purposes of the Health Club Act. The bill increases the maximum amount of security the secretary of state may require for an applicant for a health club operator's certificate of registration from \$50,000 to \$75,000.

EFFECTIVE DATE

September 1, 2019.