

## **BILL ANALYSIS**

C.S.H.B. 1049  
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Economic & Small Business Development  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that the federal government recently issued new accreditation rules that would require the Department of State Health Services (DSHS) to certify certain massage therapy school programs as postsecondary education and guarantee that the schools are authorized to provide an educational program beyond a secondary level. Interested parties note that while it is clear that these education programs are postsecondary, current state law establishing the regulation of massage therapy schools makes no mention of the education classification of these types of programs. Therefore, the parties contend that DSHS does not believe they currently possess the authority to certify a classification that does not exist in statute governing massage therapy schools. C.S.H.B. 1049 seeks to address this issue.

### **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**

C.S.H.B. 1049 amends the Occupations Code to establish that the course of instruction in massage therapy provided by a licensed massage school is a postsecondary education program. The bill authorizes a massage school that provides instruction to persons beyond the age of compulsory education to operate educational programs in massage therapy at the postsecondary level. The bill expressly does not confer any new or additional regulatory authority on the Department of State Health Services or prescribe any new or additional requirements for licensed massage schools.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1049 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 455.203, Occupations Code, is amended by adding Subsection (e) and (f) to read as follows:

(e) The course of instruction in massage therapy provided by a massage school licensed under this chapter shall be classified as a postsecondary education program.

(f) Massage schools that provide instruction to persons beyond the age of compulsory education and are licensed under this chapter to offer a course of instruction in massage therapy are authorized to operate educational programs in massage therapy at the postsecondary education level.

No equivalent provision.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 455.203, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The course of instruction in massage therapy provided by a licensed massage school is a postsecondary education program.

(f) A massage school that provides instruction to persons beyond the age of compulsory education is authorized to operate educational programs in massage therapy at the postsecondary level.

SECTION 2. The change in law made by this Act to Section 455.203, Occupations Code, does not confer any new or additional regulatory authority on the Department of State Health Services or prescribe any new or additional requirements for massage schools licensed under Chapter 455, Occupations Code.

SECTION 3. Same as introduced version.