



Texas Department of Licensing and Regulation
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FOR IMMEDIATE RELEASE

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New laws and changes for TDLR and licensees take effect September 1

AUSTIN – More than 70 new laws and changes affecting programs administered by the Texas Department of Licensing and Regulation (TDLR) go into effect on September 1, 2019. These changes are the result of bills passed by the 86th Texas Legislature earlier this year, some of which took effect immediately.

In order to administer these changes, in some cases the agency must first develop rules for implementation. Some bills include specific direction to TDLR on the rules the agency must adopt and the deadline for adoption.

The rulemaking process gives the public an opportunity to provide comment and feedback at TDLR advisory board meetings. The public can also participate in the process when proposed rules are published in the Texas Register and at meetings of the Texas Commission of Licensing and Regulation when the rules are discussed and brought up for a vote. The rulemaking process can take several months to complete.

To keep abreast of proposed rule changes, sign up for email updates:

<https://public.govdelivery.com/accounts/TXDLR/subscriber/new>. Select "important notices" for the programs of interest.

Editor's Note: Below, we've organized a listing of bills by TDLR program. The bills impacting multiple TDLR programs are listed first. Bills impacting specific programs are listed after that section.

Bills Impacting Multiple TDLR Programs

- [Senate Bill \(SB\) 37](#) removes authority for a licensing agency to take disciplinary action against an applicant or licensee, including refusal to issue or renew an occupational license, based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract. The bill went into effect on June 7, 2019.
- [SB 1217](#) clarifies that a regulatory agency may not consider an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision when determining a person's eligibility for licensure. The bill took effect on June 14, 2019.
- [House Bill \(HB\) 696](#) directs the Texas Workforce Commission to establish Operation Welcome Home, a program to help expedite the entry of service members and veterans into the state's

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workforce. The bill also establishes the Texas Veterans Leadership Program which will serve as a resource and referral network for veterans. The bill went into effect on June 10, 2019.

- [HB 2059](#) requires certain health care practitioners to complete a Health and Human Services Commission (HHSC) approved human trafficking prevention training course to renew their license. The bill also requires HHSC to post a list of approved courses on their website. Licensees are required to comply with the training requirements after September 1, 2020.
- [HB 2452](#) allows TDLR to contract with third-party experts when investigating complaints and provides immunity to those experts unless they engage in fraudulent behavior. The bill also allows TDLR to accept anonymous complaints. The bill went into effect on May 29, 2019.
- [HB 2847](#) allows the commission to determine the length of a license (up to two years), establish licensing fees, and set continuing education requirements. The bill also adds and amends complaint confidentiality provisions for certain programs and allows TDLR to contract with third-party experts on complaint investigation and review. The bill takes effect on September 1, 2019.

Code Enforcement Officers

- [HB 2584](#) allows a code enforcement officer who is performing official duties to possess or carry an instrument used for deterring an animal bite and requires specific training. The bill takes effect on September 1, 2019.

Cosmetology

- [HB 2847](#) makes several changes to Cosmetology:
 - Cosmetologists will be able to provide digitally arranged remote services (also known as “Uber for hair”) once the Cosmetology Board and the Texas Commission on Licensing and Regulation adopts rules.
 - Cosmetology and barbering establishments will be inspected every 4 years instead of every 2. Specialty shops will be inspected every 2 years. Barbering and cosmetology schools will be inspected twice a year.
 - Education requirements for a Cosmetology license are reduced from 1,500 to 1,000 hours. The change applies to those who turn in applications for a Cosmetology Operators License on or after September 1, 2020.

Dietitians

- [HB 2847](#), Article 12, standardizes commission and department powers and duties for the Dietitians program. It also removes the requirement for TDLR to adopt an official seal for the program. This bill takes effect on September 1, 2019.

Dyslexia

- [HB 125](#) prohibits TDLR from publishing the home address of a licensed dyslexia therapist and licensed dyslexia practitioner in an online registry, roster, or database unless the license holder

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requests such inclusion. The bill does not exclude the addresses from being released under the Public Information Act. The bill takes effect on September 1, 2019.

Elimination of Architectural Barriers

- [HB 3163](#) clarifies the signage required for accessible parking spaces for persons with disabilities. The bill takes effect on September 1, 2019. The Texas Commission on Licensing and Regulation will develop rules to update applicable standards.

Hearing Instruments Fitters and Dispensers

- [HB 2699](#) clarifies the meaning of tests and examinations, removes the unused oral examination authority, and allows for reexamination. The bill removes outdated requirements specifying exam frequency, and eliminates the requirement for the exam to be validated by an independent testing professional. The bill takes effect on September 1, 2019 and only impacts a person who applies to take an examination on or after that date.

Laser Hair Removal

- [HB 2847](#), Article 3, requires the Texas Commission of Licensing and Regulation to establish continuing education requirements for renewal of a laser hair removal certificate. This bill takes effect on September 1, 2019.

Massage Therapy

[HB 1865](#) removes the five-year license ineligibility provision for persons who have been convicted of an offense listed in section 455.352 of the Occupations Code. This part of the bill takes effect on September 1, 2019 and allows TDLR to assess each applicant's fitness for licensure on a case-by-case basis. However, a person who has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense under Penal Code Chapter 20A (relates to human trafficking), Subchapter A of Chapter 43 (offenses involving public indecency such as prostitution), or another sexual offense, remains ineligible for any type of massage therapy license. The bill requires persons who apply for an initial license on or after September 1, 2019 to submit fingerprints for the purposes of obtaining criminal history information. All licensees must comply with the fingerprint requirement no later than September 1, 2021. The bill requires students who are enrolled in a massage school on or after June 1, 2020 to hold a student permit. The bill also requires massage schools to maintain a monthly progress report regarding attendance for students and to notify TDLR when a student is eligible to take the examination. Massage school reporting requirements go into effect on July 1, 2020.

- [HB 2747](#) prohibits any individual, including a student, license holder, or employee, from residing on the premises of a massage establishment after September 1, 2019. The bill requires licensed

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massage therapists to attach their photograph to the front of their posted license no later than January 1, 2020. The bill also requires massage establishments and schools to display a sign concerning the services and assistance available to victims of human trafficking no later than April 1, 2020.

Midwives

- [HB 2847](#), Article 9, removes the requirement that the presiding officer of the Midwives Advisory Board be a public member. This bill takes effect on September 1, 2019.

Motorcycle Safety Training Bureau

- [SB 616](#) transfers the motorcycle and off-highway vehicle operator training programs from the Texas Department of Public Safety to TDLR. Some provisions of the law were effective immediately. The program transfer will be effective September 1, 2020.

Motor Fuels Program

- [SB 2119](#) transfers the regulation of motor fuel metering and motor fuel quality from the Texas Department of Agriculture to TDLR no later than September 1, 2020. Sections 10 and 11 of the law took effect immediately. TDLR and the Texas Department of Agriculture are working together to ensure a smooth transition from TDA over to TDLR.
- [HB 2945](#) creates a criminal offense for installing payment card skimmers on gasoline pumps and imposes a civil penalty. The bill makes information about skimmer locations confidential until the dismissal or final resolution of a case involving skimmers. The bill takes effect September 1, 2019.

Orthotists and Prosthetists

- [HB 2847](#), Article 11, repeals TDLR's authority to register orthotic/prosthetic technicians. All previously issued technician certificates expire when the bill takes effect on September 1, 2019.

Podiatry

- [HB 2847](#), Article 8, clarifies the delegative authority of a podiatrist. The bill also clarifies that a person is not required to hold a certificate issued by the Texas Medical Board to perform a podiatric radiologic procedure if they are under the supervision of a podiatrist. The bill authorizes TDLR to charge a fee to register persons performing podiatric radiologic procedures; establishes grounds for disciplining registrants; establishes training and supervision requirements; and allows TDLR to develop curricula and instructor standards. The bill takes effect on September 1, 2019.
- [HB 2174](#) clarifies that the Official Prescription Pad is used to prescribe Schedule II controlled substances. The bill sets opioid prescription limits for acute pain to a 10-day supply that may not be refilled. The bill also requires controlled substances to be prescribed electronically after January 1, 2021, unless otherwise provided under new Health and Safety Code, Section 481.0755. The bill takes effect on September 1, 2019.

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- [HB 3284](#) delays the requirement for a practitioner to review the patient's prescription history before prescribing a controlled substance until March 1, 2020.
- [HB 3285](#), Section 7, requires prescribers of opioids to annually take a one hour continuing medical education course on best practices, alternative treatment options, and multi-modal approaches to pain management. The bill takes effect on September 1, 2019.

Speech-Language Pathology and Audiology

- [HB 2847](#), Article 10, requires a person who holds a license as an audiologist or audiologist intern to comply with the department's rules rather than with the profession's code of ethics; requires licensees to use a written contract that contains TDLR's name, mailing address, telephone number and Internet website address; and removes the requirement to register with the department their intent to fit and dispense hearing instruments. This bill takes effect on September 1, 2019.

Transportation Network Companies

- [HB 1576](#) allows the Health and Human Services Commission and Medicaid managed care organizations to make agreements with transportation network companies to deliver non-emergency medical services and non-medical transportation services. The bill took effect June 14, 2019.

Vehicle Storage Facilities

- [HB 1140](#) authorizes fee increases for vehicles stored at vehicle storage facilities. The vehicle storage facility can now charge \$20 per day for vehicles under 25 feet long. In addition, the Texas Commission of Licensing and Regulation may adjust impoundment fees every two years, based on changes to the consumer price index. (Became effective in June 2019)

About TDLR

TDLR provides regulatory oversight for a broad range of occupations, businesses, facilities, and equipment in Texas. The agency protects the health and safety of Texans by ensuring they are served by qualified, licensed professionals. Inspections of individuals, businesses, and equipment are done on a regular basis to safeguard the public. Currently, the agency regulates 39 business and occupational licensing programs with more than 800,000 licensees across the state.

Visit TDLR's [website](#) for more information and resources. You can search the [TDLR licensee database](#), and also find [past violations](#) in which a final order was issued against companies or individuals. TDLR's Customer Service line is available anytime between 7 a.m. until 6 p.m., Monday through Friday, at 1-800-803-9202. TDLR representatives are fluent in English, Spanish, Vietnamese, Korean and Chinese.

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