

By: Riddle

H.B. No. 2838

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of massage parlors by certain counties;
providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 234, Local Government Code, is amended
by adding Subchapter D to read as follows:

SUBCHAPTER D. MASSAGE PARLORS IN CERTAIN COUNTIES

Sec. 234.101. DEFINITIONS. In this subchapter:

(1) "Massage parlor" means a massage establishment
that allows:

(A) a nude or partially nude employee to provide
massage therapy or other massage services to a customer;

(B) any individual to engage in sexual contact in
the massage establishment; or

(C) any individual to practice massage therapy in
the nude or in clothing designed to arouse or gratify the sexual
desire of any individual.

(2) "Nude" and "sexual contact" have the meanings
assigned by Section 455.202, Occupations Code.

Sec. 234.102. APPLICABILITY. This subchapter applies only
to a county with a population of 3.3 million or more.

Sec. 234.103. AUTHORITY TO REGULATE. To promote public
health, safety, and welfare, the commissioners court of a county by
order may prohibit or otherwise regulate massage parlors located in

1 the unincorporated area of the county.

2 Sec. 234.104. INJUNCTION. A district or county attorney
3 may bring suit to enjoin the operation of a massage parlor in
4 violation or threatened violation of a prohibition or other
5 regulation adopted under this subchapter.

6 Sec. 234.105. CIVIL PENALTY. (a) A person who violates a
7 prohibition or regulation adopted by the county under this
8 subchapter is liable to the county for a civil penalty of not more
9 than \$1,000 for each violation. Each day a violation continues is
10 considered a separate violation for purposes of assessing the civil
11 penalty.

12 (b) A county may bring suit in a district court to recover a
13 civil penalty authorized by Subsection (a).

14 Sec. 234.106. CRIMINAL PENALTY. (a) A person commits an
15 offense if the person intentionally or knowingly operates a massage
16 parlor in violation of a prohibition or regulation adopted under
17 this subchapter by the commissioners court.

18 (b) An offense under this section is a Class A misdemeanor.

19 Sec. 234.107. CUMULATIVE EFFECT. Authority under this
20 subchapter is cumulative of other authority that a county has to
21 regulate massage parlors and does not limit that other authority.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.