

By: Harless, Riddle, Alvarado

H.B. No. 3094

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of massage parlors by certain counties;  
3 providing penalties.

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

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

7 SUBCHAPTER D. MASSAGE PARLORS IN CERTAIN COUNTIES

8 Sec. 234.101. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

22 Sec. 234.103. AUTHORITY TO REGULATE. To promote public  
23 health, safety, and welfare, the commissioners court of a county by  
24 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.