

1 AN ACT

2 relating to the regulation of massage parlors by 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

8 Sec. 234.101. DEFINITIONS. In this subchapter:

9 (1) "Massage parlor" means a business establishment
10 that purports to provide massage services and that allows:

11 (A) a nude person to provide massage services to
12 a customer;

13 (B) a person to engage in sexual contact for
14 compensation; or

15 (C) a person to provide massage services in
16 clothing intended to arouse or gratify the sexual desire of any
17 person.

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

20 Sec. 234.102. AUTHORITY TO REGULATE. To promote public
21 health, safety, and welfare, the commissioners court of a county by
22 order may prohibit or otherwise regulate massage parlors located in
23 the unincorporated area of the county.

24 Sec. 234.103. INJUNCTION. If a massage parlor has

1 previously violated a prohibition or other regulation adopted under
2 this subchapter, a district or county attorney may bring suit to
3 enjoin the operation of a massage parlor in violation or threatened
4 violation of a prohibition or other regulation adopted under this
5 subchapter.

6 Sec. 234.104. 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. 234.105. 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. 234.106. 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 Sec. 234.107. EFFECT ON OTHER LAWS. (a) This subchapter
23 does not legalize anything prohibited under the Penal Code or other
24 state law.

25 (b) A person who is subject to prosecution under this
26 section and any other law may be prosecuted under either or both
27 laws.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3094 was passed by the House on April 22, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3094 on May 29, 2009, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3094 was passed by the Senate, with amendments, on May 25, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor