By: Harless

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

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H.B. No. 3094 1 the unincorporated area of the county. 2 Sec. 234.104. INJUNCTION. A district or county attorney may bring suit to enjoin the operation of a massage parlor in 3 violation or threatened violation of a prohibition or other 4 regulation adopted under this subchapter. 5 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 than \$1,000 for each violation. Each day a violation continues is 9 10 considered a separate violation for purposes of assessing the civil penalty. 11 12 (b) A county may bring suit in a district court to recover a civil penalty authorized by Subsection (a). 13 14 Sec. 234.106. CRIMINAL PENALTY. (a) A person commits an 15 offense if the person intentionally or knowingly operates a massage parlor in violation of a prohibition or regulation adopted under 16 17 this subchapter by the commissioners court. (b) An offense under this section is a Class A misdemeanor. 18 Sec. 234.107. CUMULATIVE EFFECT. Authority under this 19 subchapter is cumulative of other authority that a county has to 20 regulate massage parlors and does not limit that other authority. 21 SECTION 2. This Act takes effect immediately if it receives 22 a vote of two-thirds of all the members elected to each house, as 23 24 provided by Section 39, Article III, Texas Constitution. If this

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Act does not receive the vote necessary for immediate effect, this

Act takes effect September 1, 2009.

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