

**House Bill 3094**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 the unincorporated area of the county.

Sec. 234.104. INJUNCTION.

A district or county attorney may bring suit to enjoin the

SENATE VERSION

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

SUBCHAPTER D. MASSAGE PARLORS

Sec. 234.101. DEFINITIONS. In this subchapter:

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

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

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

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

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

Sec. 234.102. 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 the unincorporated area of the county.

Sec. 234.103. INJUNCTION. If a massage parlor has previously violated a prohibition or other regulation adopted under this subchapter,

a district or county attorney may bring suit to enjoin the

CONFERENCE

**House Bill 3094**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

operation of a massage parlor in violation or threatened violation of a prohibition or other regulation adopted under this subchapter.

Sec. 234.105. CIVIL PENALTY. (a) A person who violates a prohibition or regulation adopted by the county under this 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 considered a separate violation for purposes of assessing the civil penalty.

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

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

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

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

SENATE VERSION

operation of a massage parlor in violation or threatened violation of a prohibition or other regulation adopted under this subchapter.

Sec. 234.104. CIVIL PENALTY. (a) A person who violates a prohibition or regulation adopted by the county under this 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 considered a separate violation for purposes of assessing the civil penalty.

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

Sec. 234.105. CRIMINAL PENALTY. (a) A person commits an offense if the person intentionally or knowingly operates a massage parlor in violation of a prohibition or regulation adopted under this subchapter by the commissioners court.

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

Sec. 234.106. CUMULATIVE EFFECT. Authority under this subchapter is cumulative of other authority that a county has to regulate massage parlors and does not limit that other authority.

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

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

CONFERENCE

**House Bill 3094**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION

Same as House version.

CONFERENCE