

## **BILL ANALYSIS**

H.B. 2054  
By: Beckley  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Confusion surrounds the many naming conventions used by massage therapy establishments and sexually oriented businesses and the effect the confusing terms have on efficient regulation of these businesses. It has been noted that this confusion may contribute to unrestricted operation of certain sexually oriented businesses that could affect the public health, safety, and business interests of nearby communities. H.B. 2054 seeks to reduce this confusion by replacing the term "massage parlor" with the term "sex parlor" and providing for both the municipal and county regulation of a sex parlor as a sexually oriented business, with applicable civil and criminal penalties.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2054 amends the Local Government Code as follows:

- to transfer the statutory provisions governing the county regulation of massage parlors to the statutory framework governing the municipal and county authority to regulate sexually oriented businesses;
- to regulate a massage parlor as a sex parlor under the resulting statutory framework regarding sexually oriented businesses;
- to redefine a "massage parlor" as a "sex parlor" for purposes of the resulting statutory framework to clarify that a sex parlor is a sexually oriented business establishment that does the following:
  - purports to provide services involving physical contact with a customer;
  - allows a person to engage in sexual contact for compensation; or
  - allows a person to provide services involving physical contact with a customer in a private or semiprivate location while nude or wearing clothing intended to arouse or gratify the sexual desire of any person; and
- accordingly, to update the resulting statutory framework with respect to the transfer and redefined term to clarify that the regulatory provisions related to the following, including certain civil or criminal penalties, are applicable to a sex parlor regulated as a sexually oriented business:
  - the general purposes of regulation of a sexually oriented business and the effect on other regulatory authority;

- businesses that are exempt and that are not exempt from such regulatory authority;
- the authorization for adopted regulations to provide for the denial, suspension, or revocation of a license or other permit;
- authorized inspections of a sexually oriented business;
- authorized fees on applicants for the issuance or renewal of a license or permit;
- the general enforcement authority of a municipality or county to sue for an injunction to prohibit a violation of an applicable regulation, the corresponding Class A misdemeanor punishment for a violation of regulations governing sexually oriented businesses, and the effect of such regulation on anything prohibited under the Penal Code or other state law;
- the explicit authority of a municipality and county to regulate a sex parlor as a sexually oriented business by municipal ordinance or commissioners court order; and
- an injunction brought by a district or county attorney regarding a sex parlor that has previously violated an applicable prohibition or regulation regarding sex parlors, the corresponding civil penalty and Class A misdemeanor punishment for a violation of regulations governing sex parlors, the cumulative effect of other county or municipal authority to regulate sex parlors, and the effect of such regulation on anything prohibited under the Penal Code or other state law.

H.B. 2054 amends the Alcoholic Beverage Code to make a conforming change.

**EFFECTIVE DATE**

September 1, 2021.