

BILL ANALYSIS

C.S.H.B. 2134
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The U.S. Department of Justice has named human trafficking among the world's fastest growing criminal enterprises. It is a form of modern-day slavery that profits from the exploitation of our most vulnerable populations. According to a 2020 report by the Texas Human Trafficking Prevention Task Force, Texas consistently ranks second worst in the nation for the number of reported human trafficking cases, and illicit massage businesses are frequently a front for this horrific crime. The City of Lewisville in particular has seen an uptick in cases of human trafficking coming from massage establishments in the city. Many of these establishments stay open until the early hours of the morning, and cities and local law enforcement agencies have limited options for addressing these situations. C.S.H.B. 2134 seeks to provide more flexibility in local efforts to curtail human trafficking by providing for the authority of political subdivisions to regulate massage establishments.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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

C.S.H.B. 2134 amends the Occupations Code to establish that regulations adopted by a political subdivision relating to conditional use permits and hours of operation for massage therapists and massage establishments are not affected by statutory regulations of massage therapy, subject to the bill's provisions. The bill authorizes a political subdivision to adopt a permitted local regulation of massage therapy that is more restrictive for massage establishments than for other health care establishments under the following conditions:

- the local regulation is adopted as provided by municipal and county authority to regulate a sexually oriented business;
- if the local regulation is regulating the hours of operation of a massage establishment; or
- if the local regulation relates to the location, ownership, or operation of a massage establishment with one of the following characteristics:
 - where three or more arrests have occurred or citations in lieu of arrest have been issued for certain prostitution-related offenses or for the offense of engaging in organized criminal activity;
 - where those offenses, a trafficking of persons offense, or an offense of money laundering occurred that resulted in a conviction;
 - that is operating at a location where another massage establishment against which the executive director of the Texas Department of Licensing and Regulation has

- imposed a sanction for a violation of state law regulating massage therapy previously operated; or
- that is operating at a location where another massage establishment owned or operated by an individual against whom such a sanction has been imposed previously operated.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2134 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced established conditions under which a political subdivision is authorized to adopt a regulation on the hours of operation, ownership, or operation of a massage therapist or massage establishment, as applicable, that is more restrictive for massage therapists or massage establishments than for other health care professionals or establishments, the substitute does the following instead:

- establishes those conditions only with respect to regulations for massage establishments;
- includes regulations relating to the location of such an establishment in the authorization, which were not included in the introduced;
- retains the prohibition in current law against a political subdivision adopting a permitted local regulation that is more restrictive for massage therapists than for other health care professionals; and
- includes a specification absent from the introduced that the authorized regulations relating to the location, ownership, or operation of a massage establishment against which a sanction has been imposed apply with respect to such an establishment that is operating at a location where another massage establishment against which a sanction was imposed previously operated or that is operating at a location where another massage establishment owned or operated by an individual against whom such a sanction was imposed previously operated.