By:  Hughes S.B. No. 2290

A BILL TO BE ENTITLED

AN ACT

relating to requiring a venue for sexually oriented performances to provide certain content warnings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 17, Business & Commerce Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. NOTICE REQUIREMENTS FOR CERTAIN ADULT ORIENTED BUSINESSES

Sec. 17.975.  DEFINITIONS. In this subchapter:

(1)  "Sexually oriented performance" means a visual performance that appeals to the prurient interest by:

(A)  featuring a performer who is nude, as defined by Section 102.051, Business & Commerce Code; or

(B)  featuring a male performer that exhibits as a female or a female performer that exhibits as a male using clothing, makeup, or other physical markers and signs, lip syncs, dances, or otherwise performs before an audience for entertainment.

(2)  "Sexually oriented performance venue" means a nightclub, bar, restaurant, or other commercial enterprise that provides for an audience of two or more individuals a sexually oriented performance.

Sec. 17.976.  CONTENT WARNING REQUIRED. A sexually oriented performance venue shall:

(1)  post in a prominent place by each public entrance a sign conspicuously warning prospective patrons of the type and content of the scheduled sexually oriented performance, including whether the performance contains sexual content; and

(2)  include the warning in any advertisement for the performance, including any advertisement that appears on a social media website.

Sec. 17.977.  DECEPTIVE TRADE PRACTICE. A violation of Section 17.976 is a deceptive trade practice under Subchapter E, Chapter 17, and is actionable under that subchapter.

SECTION 2.  Not later than January 1, 2024, a sexually oriented performance venue shall comply with Subchapter M, Chapter 17, Business & Commerce Code, as amended by this Act.

SECTION 3.  This Act takes effect September 1, 2023.