

By: Shaheen

H.B. No. 708

A BILL TO BE ENTITLED

AN ACT

relating to the definition of sexually oriented business.

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

SECTION 1. Section 102.051, Business & Commerce Code, is amended to read as follows:

Sec. 102.051. DEFINITIONS. In this subchapter:

(1) "Drag performance" has the meaning assigned by Section 243.002, Local Government Code.

(1-a) "Nude" means:

(A) entirely unclothed; or

(B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the person is female, or any portion of the genitals or buttocks.

(2) "Sexually oriented business" means a nightclub, bar, restaurant, or similar commercial enterprise that:

(A) provides for an audience of two or more individuals:

(i) live nude entertainment or live nude performances; or

(ii) a drag performance; and

(B) authorizes on-premises consumption of alcoholic beverages, regardless of whether the consumption of alcoholic beverages is under a license or permit issued under the

1 Alcoholic Beverage Code.

2 SECTION 2. Section 243.002, Local Government Code, is
3 amended to read as follows:

4 Sec. 243.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

5 (1) "Drag performance" means a performance in which a
6 performer exhibits a gender identity that is different than the
7 performer's gender assigned at birth using clothing, makeup, or
8 other physical markers and sings, lip syncs, dances, or otherwise
9 performs before an audience for entertainment.

10 (2) "Sexually [~~, "sexually~~] oriented business" means:

11 (A) a sex parlor, nude studio, modeling studio,
12 love parlor, adult bookstore, adult movie theater, adult video
13 arcade, adult movie arcade, adult video store, adult motel, or
14 other commercial enterprise the primary business of which is the
15 offering of a service or the selling, renting, or exhibiting of
16 devices or any other items intended to provide sexual stimulation
17 or sexual gratification to the customer; or

18 (B) a nightclub, bar, restaurant, or other
19 commercial enterprise that provides for an audience of two or more
20 individuals a drag performance.

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