

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Business & Industry
For HB 3536

Compiled on: Monday, April 17, 2023 3:50 PM

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Hearing Date: April 17, 2023 8:30 AM

Lindsay Roberts
CHILDREN AT RISK
Houston, TX

Background

Illicit massage businesses (IMBs) claim to offer massage therapy, but in fact operate as fronts for prostitution and human trafficking. The operators of these establishments exploit women, often from other countries, with promises of the "American dream," but instead use debt bondage and other forms of fraud and coercion to manipulate the women into providing commercial sexual services. The number of IMBs in Texas has nearly doubled in the past four years from 689 in 2018 to 1,325 in 2022.

In 2017, the 85th Texas Legislature passed into law House Bill 2552. This bill expanded the Deceptive Trade Practices Act to include businesses advertising massage services without a license, streamlined evidentiary requirements for civil nuisance suits at massage establishments with prostitution arrests, and created the right for landowners that reasonably believe that prostitution or human trafficking is occurring on their premises to terminate their leases with the offending tenant. House Bill 3536, coming before this committee, is a logical next step in empowering landlords to stem the tide of human trafficking.

Impact

House Bill 3536 would add violations of Chapter 455 of the Occupations Code or an applicable local ordinance to the short list of reasons that a landlord could use to recover the property from an offending IMB. This change would allow landlords to kick out the tenant without prostitution arrests that would potentially revictimize human trafficking victims. These changes would also allow law enforcement, licensing inspectors, and property owners to work together to proactively reduce the number of illicit massage businesses in Texas. We cannot afford for IMBs to continue to proliferate, and I respectfully ask the committee to pass House Bill 3536.

Torey Tipton
Allies Against Slavery
Austin, TX

Allies supports this bill and it's efforts to deter illicit massage establishments from operating in our state.

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Andrew Alexander
Healing Hands Massage Institute
Richardson, TX

I oppose this bill. This bill in its current form, suffers from correct targeting. It only covers what a good lease will already cover but doesn't protect the areas where landlords could use some assistance.

The definition of Massage in Texas (455.001(8)) is incredibly narrowly defined. That "massage place" you are thinking of may not actually be a massage establishment subject to 455 of the Occupations Code and its incredibly hard for a landlord, or even the general public to tell the difference.

Examples of unregulated/unlicensed businesses include certain types of foot spas, reflexology, reiki, "stretch" clinics and many other modalities. Like massage, these would be considered "bodywork" but are not considered massage under the Texas Definition and not subject to 455, or this bill. These businesses do not need state licenses, they do not undergo routine inspection and do not require licensed professionals. Without having to worry about surprise inspections, this unregulated portion of the bodywork industry is where a significant portion of crimes happen.

An ugly example of this would be Jade Spa in Dallas. Shutdown in 2019 for human trafficking and other crimes, the public, and media commonly referred to it as a "Massage Parlor" despite the business posting signs specifically stating they did not perform massage (to avoid inspections).

Many well written leases already have provisions in place to allow landlords to recover possession if laws related to professional licensure are broken (regardless of profession). This bill provides no real additional value for them. However, since landlords may not know that Texas' does not require licensing for unregulated bodywork business, they might run into a jam. Replacing this bill with one that provides remedies in these situations may provide public benefit.

Note: No part of this comment should be taken as defense of bad actors within the massage industry. Kick them all out.