

SUBJECT: Revising regulation of massage establishments in Harris County

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 13 ayes — Solomons, Menendez, Cook, Craddick, Farabee, Gallego, Harless, Hilderbran, Jones, Lucio, Oliveira, Swinford, S. Turner

0 nays

2 absent — Geren, Maldonado

WITNESSES: For — Ron Hickman, Constables Legislative Committee; (*Registered, but did not testify*: Ann Travis, City of Houston)

Against — (*On original version*): (*Registered, but did not testify*: Carolyn Naile, American Massage Therapy Association)

BACKGROUND: Occupations Code, ch. 455 regulates the massage therapy profession.

"Day Spa" massage parlors are common in many urban areas. Some of these establishments offer legitimate massage services, but others provide cover for illegal activities such as prostitution, drug trade, and human trafficking.

Law enforcement officers often are unable to monitor and investigate complaints regarding these establishments because many business operators watch the locked front entrance remotely by video surveillance, allowing access only to those they "buzz" inside.

DIGEST: CSHB 623 would amend the Occupations Code by adding sec. 455.2021 to provide that a massage establishment in a county with a population of 3.3 million or more (Harris County) could provide services only between the hours of 7 a.m. and 10 p.m. The use of electronic locking devices that could be temporarily disengaged from a remote location would be prohibited.

The bill would allow a massage establishment to apply for exemption from the service hours requirement to the county commissioners court.

The bill would take effect September 1, 2009.

NOTES:

The committee substitute added an opportunity for massage establishments to apply for an exemption from the commissioners court of the county where the massage establishment was located. The substitute would specify that entrance doors could not be equipped with an electronic locking device that could be remotely disengaged, rather than require entrance doors remain unlocked during business hours, as in the original version of the bill.