

- SUBJECT:** Restricting ages for working at or entering sexually oriented businesses
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 7 ayes — S. Thompson, Kuempel, Darby, Fierro, Geren, Goldman, Hernandez
- 0 nays
- 4 absent — Ellzey, Guillen, Huberty, Pacheco
- WITNESSES:** For — Joe Madison, Demand Disruption; Minta Moore, New Life Refuge; Lisa Michelle, No Strings Attached; John Clark, Operation Texas Shield; Barry Wood; (*Registered, but did not testify:* Chara McMichael, BCFS Health and Human Services Human Trafficking Interdiction Division; Jason Sabo, Children at Risk; Carrie Mcfarland, City Life Church; Frederick Frazier, Dallas Police Association; Jennifer Hohman, Fight For Us and The Houston 20; Rhonda Kuykendall, Fort Bend County DA Human Trafficking Team; Patricia Shipton, Nueces County; Christopher Leschber, Romans 12two Men’s Ministry; Brian Hawthorne, Sheriffs Association of Texas; Breanna Fetkavich and Taylor Woodruff, Street Grace; Sarah Crockett, Texas CASA; Shannon Jaquette, Texas Catholic Conference of Bishops; Dallas Reed, Texas Municipal Police Association; and 18 individuals)
- Against — (*Registered, but did not testify:* Nicole Kralj, AAA News and LSMT Inc.)
- On — (*Registered, but did not testify:* Cara Pierce, Texas Attorney General's Office)
- DIGEST:** HB 3520 would prohibit an individual younger than 18 years of age to be on the premises of an establishment that held an alcoholic beverage license or permit if a sexually oriented business operated on the premises.

The bill would prohibit a license or permit holder from knowingly or recklessly allowing an individual younger than 18 years of age to be on the premises. If a licensee or permittee violated this provision, the Texas Alcoholic Beverage Commission would have to:

- suspend the permit or license for 30 days for the first violation;
- suspend the permit or license for 60 days for the second violation;  
and
- cancel the permit or license for the third violation.

The bill would prohibit a sexually oriented business from allowing an individual younger than 18 years of age to enter the premises. The business would commit a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) and the attorney general could bring an action for an injunction or other process against a business or person who violated or threatened to violate this prohibition.

CSHB 3520 would raise from 18 to 21 years of age the minimum age to be employed by or enter into a contract for the performance of work or the provision of a service with a sexually oriented business. A violation would be a class A misdemeanor.

The bill would revise the statutory definition of "child" to mean a person younger than 21 years of age, rather than 18 years, as it related to the felony offense of employment harmful to children.

Under the bill, a person would maintain a common nuisance if the person maintained a place or knowingly tolerated:

- the employing or entering into a contract for the performance of work or the provision of a service with an individual younger than 21 years of age for work or services performed at a sexually oriented business; or
- permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021. The bill would apply only to an offense committed on or after the effective date.

**SUPPORTERS  
SAY:**

HB 3520 would address concerns that sexually oriented businesses can be grounds for human trafficking recruitment and sexual exploitation by creating specific and enforceable barriers for deterring individuals younger than 18 from being on the premises of and individuals younger than 21 from being employed by these businesses. The bill would protect youth and younger adults, who often are the target of human traffickers and recruiters. The bill appropriately would increase the minimum age for employment at these businesses, as the current minimum of 18 leaves the door open to the exploitation of vulnerable young people who are not cognitively ready to make healthy decisions in such an environment.

**CRITICS  
SAY:**

HB 3520 could impact the livelihoods of some young Texans by raising the minimum age for employment at a sexually oriented business from 18 to 21. The businesses are protected under the First Amendment, and the bill, while aimed at entertainers, also could affect staff employed in traditional food industry roles, such as waitresses, cooks, bussers, and hosts.