

## **BILL ANALYSIS**

Senate Research Center  
87R2995 JAM-F

S.B. 315  
By: Huffman  
Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Sexually oriented businesses are a high-risk location for potential human trafficking and exploitation. While these businesses are primarily regulated at the local level, the state legislature has the authority and the obligation to enact additional protections for youth statewide.

S.B. 315 would raise the age of employment in sexually oriented businesses from 18 to 21, prohibit sexually oriented businesses from allowing minors on the premises, and hold offending businesses accountable. These changes would provide necessary mechanisms to safeguard our communities and children from trafficking and sexual exploitation, which are often harmful secondary effects of sexually oriented businesses.

As proposed, S.B. 315 amends current law relating to restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business and creates a criminal offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 106, Alcoholic Beverage Code, by adding Section 106.17, as follows:

Sec. 106.17. PRESENCE OF CERTAIN MINORS ON PERMITTED OR LICENSED PREMISES OPERATING AS SEXUALLY ORIENTED BUSINESS. (a) Prohibits an individual younger than 18 years of age from being on premises covered by a permit or license issued under this code if a sexually oriented business, as defined by Section 243.002 (Definition), Local Government Code, operates on the premises.

(b) Prohibits the holder of a permit or license covering a premises described by Subsection (a) from knowingly or recklessly allowing an individual younger than 18 years of age to be on the premises.

(c) Requires the Texas Alcoholic Beverage Commission (TABC) or TABC administrator, if it is found, after notice and hearing, notwithstanding any other provision of this code, that a permittee or licensee has violated Subsection (b), 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.

SECTION 2. Amends Subchapter A, Chapter 102, Business & Commerce Code, by adding Section 102.0031, as follows:

Sec. 102.0031. PROHIBITION ON CERTAIN ACTIVITIES BY BUSINESS IN RELATION TO A CHILD. Prohibits a sexually oriented business from allowing an individual younger than 18 years of age to enter the premises of the business.

SECTION 3. Amends Section 102.004(a), Business & Commerce Code, to authorize the attorney general or appropriate district or county attorney, in the name of the state, to bring an action for an injunction or other process against a person who violates or threatens to violate certain sections, including Section 102.0031. Makes nonsubstantive changes.

SECTION 4. Amends Section 102.005(b), Business & Commerce Code, to provide that a sexually oriented business commits an offense if the business violates certain sections, including Section 102.0031.

SECTION 5. Amends Section 125.0015(a), Civil Practice and Remedies Code, as follows:

(a) Provides that a person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance when:

(1) - (18) makes no changes to these subdivisions.

(19) employing or entering into 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, rather than employing a minor, at a sexually oriented business as defined by Section 243.002, Local Government Code;

(20) - (25) makes no changes to these subdivisions;

(26) and (27) makes nonsubstantive changes to these subdivisions; or

(28) permitting an individual younger than 18 years of age to enter the premises of a sexually oriented business as defined by Section 243.002, Local Government Code.

SECTION 6. Amends Sections 51.016(b), (h), and (i), Labor Code, as follows:

(b) Prohibits a sexually oriented business from employing or entering into a contract, other than a contract described by Subsection(g) (relating to an independent contractor who contracts with a sexually oriented business solely for repair, maintenance, or construction services), for the performance of work or the provision of a service with an individual younger than 21 years of age, rather than employing an individual younger than 18 years of age.

(h) Makes conforming changes to this subsection.

(i) Provides that a person commits an offense if the person:

(1) and (2) makes nonsubstantive changes to these subdivisions; or

(3) violates Subsection (b).

SECTION 7. Amends Section 51.031(b), Labor Code, to provide that an offense under certain sections, including under Section 51.016(i)(3), is a Class A misdemeanor.

SECTION 8. Amends Section 43.251(a)(1), Penal Code, to redefine "child" as a person younger than 21, rather than younger than 18, years of age, for purposes of Section 43.251 (Employment Harmful to Children).

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: upon passage or September 1, 2021.