



**CITY OF HOUSTON - CITY COUNCIL**  
Meeting Date: 12/1/2015

Item Creation Date:

MYR - Massage Establishment Ordinance

Agenda Item#: 21.

*Class*  
**Summary:**

ORDINANCE AMENDING ARTICLE XII, CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Massage Establishments

**Background:**

**Subject**

Changes to Code of Ordinances, Chapter 28, Misc. Offenses and Provisions, Article XII. Massage Establishments Sections 28-361, 28-362, 28-363, 28-369, 28-370, 28-371, 28-372

**Explanation**

In order to combat sex trafficking in the City of Houston, City Council is asked to amend Chapter 28 of the code of ordinances to permit access to massage parlors that are not licensed by the state.

Illicit massage establishments help to facilitate the sex trade across the United States and pose a particular threat to the safety, health and wellbeing of Houstonians. Sex trafficking occurs when a business uses force, fraud or coercion to facilitate commercial sex acts or when a minor is involved. Recent research shows that Houston is home to more active illicit massage establishments than any other city in Texas.

The latest website search conducted on 9/14/2015 showed 240 illicit massage establishments offering services online. On the same day, the list of 240 illicit massage establishments was crossed with a list of state licensed establishments, only 9 of the establishments that advertised suggestive services on the internet had a state license. The current ordinance only authorizes law enforcement to conduct inspections at state licensed massage establishments. The proposed ordinance change will allow law enforcement to inspect businesses that have a state license, but also those that advertise massages and should have a state license. It will also recognize that law enforcement action and access is required to assist in closing these parlors while balancing legitimate business owners interests.

**Proposed Amendments**

*Massage establishment* means any building, room, place, or any establishment whose business includes advertising or offering a massage or other massage services, other than a regularly licensed hospital, medical clinic, or licensed physical therapy treatment facility where massage is practiced upon the human body for compensation by any person not a duly licensed physician or chiropractor, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include beauty parlors or barbershops duly licensed by the state, or licensed hospitals, medical clinics, however, beauty parlors or barbershops duly licensed by the state, or licensed physical therapy facilities or establishments places wherein registered physical therapists treating only patients recommended and referred by a licensed physician and operate only under such physician's direction. Additionally, the term shall not include a place of business where a licensed massage therapist practices as a solo practitioner in a manner consistent with the applicable provisions of Section 455.155 of the Texas Occupations Code, as amended.

**Sec. 28-370. Access; right of entry.**

A peace officer appointed or employed by a law enforcement agency of this state may enter the premises of a massage establishment pursuant to Sections 455.104 and 455.353 of the Texas Occupations Code. If entry and access to the premises of the massage establishment is denied, entry shall be made under the authority of a warrant to inspect the massage establishment.

Additional changes not referenced are minor. The full draft redline has been provided to stakeholders and has been available on the City's website for review since 11/17/2015. Additionally, communication has been maintained with leading industry operators and their input has been requested. Please see attached timeline for more information.

Council Approval is Recommended.



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**ATTACHMENTS:**

**Description**

Message Establishments Adopting Ordinance

Message Establishments Redline

**Type**

Ordinance/Resolution/Motion

Backup Material