

BUSINESS AND COMMERCE CODE
TITLE 5. REGULATION OF BUSINESSES AND SERVICES
SUBTITLE C. BUSINESS OPERATIONS
CHAPTER 102. SEXUALLY ORIENTED BUSINESSES

SUBCHAPTER A. RESTRICTION ON OWNERS, OPERATORS, MANAGERS, OR
EMPLOYEES OF SEXUALLY ORIENTED BUSINESSES

Sec. 102.001. DEFINITIONS. In this subchapter:

(1) "Sex offender" means a person who has been convicted of or placed on deferred adjudication for an offense for which a person is subject to registration under Chapter 62, Code of Criminal Procedure.

(2) "Sexually oriented business" has the meaning assigned by Section 243.002, Local Government Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. 2278), Sec. 2.01, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.003(a), eff. September 1, 2009.

Sec. 102.002. PROHIBITION ON CERTAIN ACTIVITIES BY SEX OFFENDER IN RELATION TO BUSINESS. A sex offender may not:

(1) wholly or partly own a sexually oriented business;
or

(2) serve as a director, officer, operator, manager, or employee of a sexually oriented business.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. 2278), Sec. 2.01, eff. April 1, 2009.

Sec. 102.003. PROHIBITION ON CERTAIN ACTIVITIES BY BUSINESS IN RELATION TO SEX OFFENDER. If a sexually oriented business knows that a person is a sex offender, the business may not:

(1) contract with that person to operate or manage the business as an independent contractor; or

(2) employ that person as an officer, operator, manager, or other employee.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.01, eff. April 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see S.B. [315](#) and S.B. [766](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 102.004. INJUNCTION OR OTHER RELIEF. (a) The attorney general or appropriate district or county attorney, in the name of the state, may bring an action for an injunction or other process against a person who violates or threatens to violate Section [102.002](#) or [102.003](#).

(b) The action may be brought in a district court in:

- (1) Travis County; or
- (2) a county in which any part of the violation or threatened violation occurs.

(c) The court may grant any prohibitory or mandatory relief warranted by the facts, including a temporary restraining order, temporary injunction, or permanent injunction.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.01, eff. April 1, 2009.

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see S.B. [315](#) and S.B. [766](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 102.005. CRIMINAL PENALTIES. (a) A sex offender commits an offense if the sex offender violates Section [102.002](#).

(b) A sexually oriented business commits an offense if the business violates Section [102.003](#).

(c) An offense under this section is a Class A misdemeanor.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 2.01, eff. April 1, 2009.

SUBCHAPTER B. FEE IMPOSED ON CERTAIN SEXUALLY ORIENTED BUSINESSES

Sec. 102.051. DEFINITIONS. In this subchapter:

(1) "Nude" means:

(A) entirely unclothed; or

(B) clothed in a manner that leaves uncovered or visible through less than fully opaque clothing any portion of the breasts below the top of the areola of the breasts, if the person is female, or any portion of the genitals or buttocks.

(2) "Sexually oriented business" means a nightclub, bar, restaurant, or similar commercial enterprise that:

(A) provides for an audience of two or more individuals live nude entertainment or live nude performances; and

(B) authorizes on-premises consumption of alcoholic beverages, regardless of whether the consumption of alcoholic beverages is under a license or permit issued under the Alcoholic Beverage Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1206 (H.B. 1751), Sec. 3, eff. January 1, 2008.

Renumbered from Business and Commerce Code, Section 47.051 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.004, eff. September 1, 2009.

Sec. 102.052. FEE BASED ON ADMISSIONS; RECORDS. (a) A fee is imposed on a sexually oriented business in an amount equal to \$5 for each entry by each customer admitted to the business.

(b) A sexually oriented business shall record daily in the manner required by the comptroller the number of customers admitted to the business. The business shall maintain the records for the period required by the comptroller and make the records available for inspection and audit on request by the comptroller.

(c) This section does not require a sexually oriented business to impose a fee on a customer of the business. A business has discretion to determine the manner in which the business derives the money required to pay the fee imposed under this section.

Added by Acts 2007, 80th Leg., R.S., Ch. 1206 (H.B. 1751), Sec. 3, eff. January 1, 2008.

Renumbered from Business and Commerce Code, Section 47.052 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.004, eff.

September 1, 2009.

Sec. 102.053. REMISSION OF FEE; SUBMISSION OF REPORTS. Each quarter, a sexually oriented business shall:

(1) remit the fee imposed by Section 47.052 to the comptroller in the manner prescribed by the comptroller; and

(2) file a report with the comptroller in the manner and containing the information required by the comptroller.

Added by Acts 2007, 80th Leg., R.S., Ch. 1206 (H.B. 1751), Sec. 3, eff. January 1, 2008.

Renumbered from Business and Commerce Code, Section 47.053 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.004, eff. September 1, 2009.

Sec. 102.054. ALLOCATION OF CERTAIN REVENUE FOR SEXUAL ASSAULT PROGRAMS. The comptroller shall deposit the amounts received from the fee imposed under this subchapter to the credit of the sexual assault program fund.

Added by Acts 2007, 80th Leg., R.S., Ch. 1206 (H.B. 1751), Sec. 3, eff. January 1, 2008.

Renumbered from Business and Commerce Code, Section 47.054 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.004, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 448 (H.B. 7), Sec. 1, eff. September 1, 2015.

Sec. 102.056. ADMINISTRATION, COLLECTION, AND ENFORCEMENT. The provisions of Subtitle B, Title 2, Tax Code, apply to the administration, payment, collection, and enforcement of the fee imposed by this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1206 (H.B. 1751), Sec. 3, eff. January 1, 2008.

Renumbered from Business and Commerce Code, Section 47.056 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 4.004, eff. September 1, 2009.

SUBCHAPTER C. NOTICE REQUIREMENTS ON PREMISES OF SEXUALLY ORIENTED
BUSINESSES

The following section was amended by the 87th Legislature. Pending publication of the current statutes, see H.B. [3721](#), 87th Legislature, Regular Session, for amendments affecting the following section.

Sec. 102.101. POSTING OF CERTAIN SIGN REQUIRED. (a) A sexually oriented business shall post by the sink area in each restroom on the premises one sign that directs a victim of human trafficking to contact the National Human Trafficking Resource Center. Except as provided by Subsection (c), the sign must be 11 inches by 17 inches in size.

(b) The attorney general by rule shall prescribe the design, content, and manner of display of the sign required by this section. The sign must:

- (1) be in both English and Spanish; and
- (2) include the telephone number and Internet website of the National Human Trafficking Resource Center.

(c) The attorney general by rule may require the sign to:

- (1) be in an additional language other than English or Spanish;
- (2) be larger than 11 inches by 17 inches in size if the attorney general determines that a larger sign is appropriate; and
- (3) include other information the attorney general considers necessary and appropriate.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 1, eff. September 1, 2017.

Sec. 102.102. CRIMINAL PENALTY. (a) A person commits an offense if the person:

- (1) is an owner or operator of a sexually oriented business; and
- (2) fails to post the sign required by Section [102.101](#) in compliance with that section and rules adopted under that section.

(b) An offense under this section is a Class C misdemeanor.
Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 1, eff.
September 1, 2017.