

HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE A. PUBLIC SAFETY

Chapter 769, consisting of Secs. 769.001 to 769.002, was added by Acts 2023, 88th Leg., R.S., Ch. 931 (S.B. [12](#)), Sec. 1.

For another Chapter 769, consisting of Secs. 769.001 to 769.003, added by Acts 2023, 88th Leg., R.S., Ch. 141 (S.B. [188](#)), Sec. 1, see Sec. 769.001 et seq., post.

CHAPTER 769. SEXUALLY ORIENTED PERFORMANCES

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#) and S.B. [1137](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 769.001. DEFINITIONS. In this chapter:

(1) "Premises" has the meaning assigned by Section [46.03](#), Penal Code.

(2) "Sexually oriented performance" has the meaning assigned by Section [43.28](#), Penal Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 931 (S.B. [12](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#) and S.B. [1137](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 769.002. CERTAIN SEXUALLY ORIENTED PERFORMANCES PROHIBITED ON PREMISES OF COMMERCIAL ENTERPRISE; CIVIL PENALTY; INJUNCTION. (a) A person who controls the premises of a commercial enterprise may not allow a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18 years of age.

(b) A person who violates this section is liable to this state for a civil penalty of not more than \$10,000 for each violation.

(c) The attorney general may bring an action to:

(1) recover the civil penalty imposed under this

section; or

(2) obtain a temporary or permanent injunction to restrain the violation.

(d) An action under this section may be brought in a district court in:

(1) Travis County; or

(2) a county in which any part of the violation occurs.

(e) The attorney general shall deposit a civil penalty collected under this section in the state treasury to the credit of the general revenue fund.

(f) The attorney general may recover reasonable expenses incurred in bringing an action under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

Added by Acts 2023, 88th Leg., R.S., Ch. 931 (S.B. [12](#)), Sec. 1, eff. September 1, 2023.