



**Oral Testimony Supporting HB 3020 by Commander Jessica Anderson  
House Licensing and Administrative Procedures Committee  
March 29, 2023**

Thank you to Rep. Ana Hernandez for proposing HB 3020, which HPD believes will help address human trafficking in massage establishments.

Under the current law, peace officers have the authority to enter massage establishments and massage schools to enforce Chapter 455 Massage Therapy of the Texas Occupation Code. Occupations Code 455.059, was part of a larger TDLR bill passed in 2017, and allows TDLR or a peace officer to inspect a massage establishment. This inspection authority is limited in scope and only applies to an inspection that is incidental to the issuance of the license and is only to ensure compliance with the Occupations Code related to massage establishments under the occupations code.

This provision to allow inspection for massage establishments has been on the books for at least 5 years; however, there are no provisions if entry or access is denied. Massage parlors have increasingly become a popular venue for prostitution and human trafficking. Johns seeking to buy sex can easily find a massage establishment that will take money in exchange for a massage and a sexual encounter with the person providing the massage. These businesses exploit women who are working at the direction of a boss and do not get to keep the money. They live in deplorable conditions, often inside the business. It is a lucrative business and operates in plain sight, with human traffickers opening illicit massage businesses as fronts for these illegal and exploitative activities. These criminal enterprises are disguised as legitimate massage parlors and operate in the public, next to actual businesses, and imbed themselves in our communities.

Inspections, as allowed by Occ. Code 455.059, allows TDLR and peace officers to go inside and to check that the establishment is licensed, employing licensed massage therapists, and is posting the appropriate signage (including legislatively mandated signs re human trafficking), among other things. These inspections help inform and educate legitimate businesses about expectations and alternatively helps us to identify illegitimate businesses who may be operating illegally, exploiting victims, or selling sex.

Current law has been helpful but there is nothing in statute to prohibit denial of entry. In other words, TDLR or officers can knock on the door to inspect, and the proprietor can simply say “no” or ignore the request with absolutely no repercussions. Given the public health and public safety issues surrounding massage establishment, TDLR and peace officers must be allowed to enter illicit massage establishments to conduct inspections and determine the existence and the extent of criminal activity and must be able to take action if someone interferes with their inspection.

It is worth noting that other codes have set precedence for denial of inspection in similar businesses that can be a nuisance or have public health or safety implications. These include statutes in the Texas Alcoholic Beverage Code (Section 101.04(b)) outlining criminal penalties if access to alcoholic beverage establishments is denied to a peace officer. There are statutes in the Harris County Game Room Regulations (Section 3.1(d)) outlining criminal penalties if access to game rooms is denied to a peace officer. There are statutes in the Houston Municipal Ordinances (Sections 28-133 and 28-136(c)) outlining criminal penalties if access to sexually oriented businesses is denied to a peace officer. In each of these types of locations, there is greater likelihood of criminal activity and danger to the public health and safety, so the governing bodies saw fit to require inspection on a limited scope.

HB 3020 addresses these concerns for massage establishments, simply by removing the ability for a proprietor to say “no” to the limited inspection. Even if they do say “no” we would still get a warrant so due process continues to exist. But because of the impact on human trafficking in illicit massage establishments and the need to ensure public health and welfare consistent with a license to operate these locations, denial of entry to inspection should not be allowed.

For this reason, I urge you to favorably consider HB 3020.