



RESEARCH REPORT

Bathhouse Regulations in Other Jurisdictions

A four-state survey of Illinois, Florida, California, and Texas

Aquatic-facility rules · Adult-use regulation · Public-conduct law · Licensing · Public health

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ABOUT THIS REPORT. A comparative survey of how Illinois, Florida, California, and Texas regulate commercial bathhouses: aquatic-facility rules, adult-use regulation, public-conduct law, licensing, inspections, sanitation, access, enforcement, and public health. Chicago, Miami-Dade County, San Francisco, and Houston serve as representative major-market examples.

SUGGESTED CITATION. New Yorkers for a Modern Health Code, *Bathroom Regulations in Other Jurisdictions: A Four-State Survey of Illinois, Florida, California, and Texas* (Sept. 2026).

Law and guidance reviewed through August 21, 2026. This report is published for public information and education. It is a policy survey, not a legal opinion; it is not legal advice and does not create an attorney–client relationship. Local law varies within each state, and site-specific counsel and agency confirmation are required for any particular project.

About this survey

SCOPE AND LIMITS

This report is a policy survey, not a legal opinion. Statutes, agency rules, local codes, enforcement policies, and site facts change. Anyone evaluating a specific site or project should retain land-use and regulatory counsel, obtain written zoning verification, and consult the health, building, fire, licensing, and—where relevant—adult-business authorities.

The facility model analyzed is a modern, adults-only commercial bathhouse or membership club with lockers, showers, steam rooms, saunas, pools and/or whirlpool spas, lounge space, and private or semi-private areas in which consensual sexual activity between patrons may occur. The model assumes the operator does not sell sexual services, employ performers, arrange partners, receive a share of sexual transactions, or admit minors. Those facts matter: changing any of those facts can change the legal classification.

Why this survey matters for New York

New York regulates this kind of facility differently. Subpart 24-2 of the State Sanitary Code provides that “[n]o establishment shall make facilities available for the purpose of sexual activities where anal intercourse, vaginal intercourse or fellatio take place,” and declares that “[s]uch facilities shall constitute a threat to the public health.”¹ The rule was adopted in 1985 and last amended in 1994.² This survey examines how four other large states—Illinois, Florida, California, and Texas—govern the same kind of facility, and what their rules show about the regulatory tools available.

Scope and method

This report focuses on statewide law and uses Chicago, Miami-Dade County, San Francisco, and Houston as representative major-market examples. Local law is not uniform within a state. A permitted use in one city may be prohibited, specially licensed, or differently zoned in the next municipality or in an unincorporated county.

Footnotes identify the authorities relied on, and a full Source List with links appears at the end. The analysis states the governing rule when reasonably clear and labels site-dependent or unsettled conclusions as open questions for counsel or the agency.

1. Executive conclusions

The headline conclusion is conditional feasibility, not blanket legality. None of the four states reviewed appears to operate a single statewide licensing system specifically for a commercial bathhouse that permits patron-to-patron sexual activity. Nor did this survey identify a categorical statewide prohibition equivalent to a rule that simply bans all such venues. Instead, a viable bathhouse must clear multiple independent bodies of law.

¹ N.Y. Comp. Codes R. & Regs. tit. 10, § 24-2.2.

² See New Yorkers for a Modern Health Code, *10 NYCRR Part 24: Adoption, Amendment, and SAPA § 207 Review History* (Sept. 2026).

KEY FINDING

A bathhouse is viable only when the same parcel, layout, admission policy, and conduct policy satisfy all four independent gates described in Section 2. A building that can support a pool, an available adult-use district, or another bathhouse operating nearby does not by itself make a project lawful.

- **Aquatic facilities are regulated even when access is by membership.** Pools and spas serving members or guests will ordinarily be treated as public or semi-public aquatic venues for health-code purposes. Expect plan review, a construction or alteration approval, an operating permit or license, inspections, water-quality testing, records, occupancy/bather-load controls, safety equipment, and closure authority.
- **Adult-use classification is local and definition-driven.** A bathhouse may be classified as an adult use, encounter studio, sex parlor, adult entertainment establishment, sexually oriented business, health club, public bathhouse, or a combination. The words used in marketing, the percentage of floor area devoted to sexual activity, admission practices, private rooms, live entertainment, and employee conduct can determine the category.
- **Adult-business permission does not authorize sexual conduct.** Zoning or an adult-business permit addresses land use and operating conditions. State public-indecency or public-lewdness law separately asks whether conduct occurs in a public place or where nonconsenting observers may see it. A members-only label is relevant but not conclusive.
- **A membership fee must buy facility access, not sex.** Every state prohibits prostitution and related facilitation. The safest model prohibits employees, contractors, and patrons from offering or accepting compensation for sexual acts; forbids the operator from arranging partners; and documents that room or locker charges are time-and-space charges only.
- **Men-only admission presents materially different risk by state.** Illinois has an express public-accommodations exemption for sex-based distinctions in distinctly private facilities including bath houses and health clubs. California's Unruh Act creates substantial risk for a commercial men-only policy. Florida's narrow statutory definition of public accommodation and local ordinances require site-specific analysis. Texas depends heavily on municipal law and the facility's actual public/private character.
- **San Francisco supplies the clearest affirmative adult-sex-venue model.** Health Code Article 47 and current Department of Public Health guidance contemplate permitted adult sex venues, require harm-reduction materials and operational controls, and restrict the city from imposing certain surveillance-style conditions. A bathhouse also needs the separate public-bathhouse approval and ordinary building, fire, planning, and aquatic approvals.³
- **Texas supplies the broadest express local regulatory authority.** Local Government Code Chapter 243 lets municipalities and counties regulate sexually oriented businesses through location, density, permits, and other health-and-safety controls. The exact answer therefore changes sharply by city and parcel.⁴

³ S.F., Cal., Health Code art. 47 (Adult Sex Venues); City & Cnty. of S.F., *Guidelines for Adult Sex Venues (ASV)*, <https://www.sf.gov/information--guidelines-adult-sex-venues-asv>.

⁴ Tex. Loc. Gov't Code ch. 243.

Relative regulatory clarity

Jurisdiction	Aquatic pathway	Sex-venue pathway	Primary unresolved risk
Illinois / Chicago	Clear state license and operational rules	Adult-use registration and zoning may apply	Whether proposed conduct areas are a “public place”; exact adult-use classification
Florida / Miami-Dade	Clear DOH operating permit plus building review	Encounter-studio/adult-use rules can apply locally	Men-only access and private/public conduct analysis; municipal variation
California / San Francisco	Clear local environmental-health pathway	Express ASV and public-bathhouse framework	Unruh Act access policy; parcel zoning; coordination of multiple permits
Texas / Houston	State sanitation rules, largely locally administered	Broad local SOB authority and enterprise permits	Public-lewdness exposure and city-specific definitions/conditions

Interpretation: “clear” means the permitting structure is identifiable, not that approval is assured. Local authorities may reach different classification decisions on the same general concept.

Features of the lowest-risk model

Across the four states, the operating models that face the fewest legal obstacles share several features:

- An inspected wellness and social facility with a deliberately bounded adult-sex component, rather than reliance on ambiguity or non-enforcement.
- An 18- or 21-plus admission policy set with local counsel, government-issued age verification, no-photography rules, consent and intoxication rules, trained floor and safety staff, and a strict anti-commercial-sex policy.
- Alcohol treated as a separate, high-risk question. Adult-business ordinances and liquor regulators frequently restrict nudity or sexual conduct on licensed premises; a nonalcoholic model is materially easier to approve.
- San Francisco’s harm-reduction framework as an operational benchmark even outside California: free condoms and compatible lubricant, prevention information, referrals/testing partnerships, staff training, cleaning standards, and privacy-respecting incident response.

2. The four-gate legal model

A bathhouse is not one legal “use.” It is a bundle of uses and regulated systems. The four-gate model below reflects a recurring point: answering one regulatory question does not mean the entire concept is approved.

Gate	Question	Typical decision-maker	Evidence of approval
1 • Premises	May this parcel and building host each proposed use?	Planning/zoning, building, fire, accessibility, utilities	Written use determination; code analysis; concept plans; exit/occupancy and MEP feasibility
2 • Wet systems	May pools, spas, steam and bathing facilities be built and operated?	State or county environmental health; building/plumbing/mechanical	Approved plans; construction approval; operating permit/license; inspection schedule
3 • Adult component	Is the adult-sex component a permitted adult use, and under what conditions?	Planning, adult-business licensing, police or health department	Classification letter; spacing map; special-use/conditional-use approval; operating permit
4 • Conduct and access	Are admission rules and patron conduct lawful in the designed spaces?	Courts, civil-rights agency, police, local licensing authority	Counsel opinion; privacy design; membership/admission policy; nondiscrimination and conduct policies

Membership is a fact, not a talisman

A genuine private club may fall outside some public-accommodation or adult-business provisions, but courts and agencies look to substance. Relevant facts include selectivity, member control, nonprofit or for-profit status, limits on guests, advertising to the general public, same-day membership, initiation procedures, membership turnover, and whether the facility makes services available to another public-facing business. A “membership” sold at the door to any adult for a nominal fee often looks public for regulatory purposes.

Membership is best used for safety, consent, rules acknowledgment, and community governance—not as the sole theory of legal privacy. The pool and spa should be presumed regulated, and the land-use and conduct questions require their own analysis.

Space planning changes the legal analysis

- **Wet zone:** pools, spas, steam rooms, saunas, showers, toilets, and deck areas. No sexual conduct in water; provide required sightlines and lifesaving access.
- **Social zone:** reception, lounge, café or retail, circulation, and staffed common space. Normal public-accommodation and life-safety expectations apply.
- **Adult zone:** controlled-access space for consenting adults, separated from the wet zone and public sightlines. The local code may regulate room doors, locks, lighting, partitions, visibility, floor monitoring, or room count.
- **Private rooms:** never assume “private” from a door alone. Analyze locks, staff access, emergency release, fire alarm audibility, accessibility, sanitation turnover, and whether local law treats the room as open to the public.
- **Back of house:** chemical storage, laundry, mechanical rooms, staff areas, biohazard supplies, and records. Separate clean/dirty flows and restrict patron access.

3. Federal baseline

Federal law does not create a bathhouse operating license, but several federal regimes apply regardless of state.

- **ADA Title III.** A for-profit club open to customers will ordinarily be a place of public accommodation unless a narrow private-club exception applies. New construction and alterations must satisfy the 2010 ADA Standards; existing facilities have barrier-removal duties where readily achievable. Pools and spas have specific accessible-entry requirements.⁵
- **Virginia Graeme Baker Pool and Spa Safety Act.** Public pools and spas need compliant anti-entrapment drain covers; certain configurations also require a secondary anti-entrapment system.⁶
- **OSHA.** The operator must assess workplace hazards. If cleaning, security, first-aid, or other assigned duties create reasonably anticipated exposure to blood or other potentially infectious material, the Bloodborne Pathogens Standard requires an exposure-control program, universal precautions, engineering/work-practice controls, PPE, training, hepatitis B vaccination, and records.⁷

⁵ U.S. Dep’t of Just., *ADA Requirements: Accessible Pools Means of Entry and Exit*, <https://www.ada.gov/resources/accessible-pools-requirements/>; U.S. Dep’t of Just., *2010 ADA Standards for Accessible Design* §§ 242, 1009 (2010), <https://www.ada.gov/law-and-regs/design-standards/2010-stds/>.

⁶ Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001–8008; U.S. Consumer Prod. Safety Comm’n, *Pool and Spa Drain Cover*, <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Pool-and-Spa-Drain-Covers>.

⁷ 29 C.F.R. § 1910.1030 (Bloodborne Pathogens Standard).

- **Federal public-accommodation civil rights.** Title II of the Civil Rights Act covers race, color, religion, and national origin in listed places of public accommodation; state and local law may cover additional traits and broader businesses.⁸
- **Employment and privacy.** Title VII, wage-and-hour law, immigration verification, tax, benefits, and applicable state privacy rules apply as they would to other employers. Staff should not be required to observe sexual conduct unless that is lawful, necessary, trained, and consistent with the venue’s health permit, and cameras and audio recording should be kept out of intimate areas.

4. Comparative state matrix

Issue	Illinois	Florida	California	Texas
Aquatic authority	210 ILCS 125; 77 Ill. Adm. Code 820	Fla. Stat. ch. 514; Fla. Admin. Code 64E-9; Florida Building Code	H&S Code §116025 et seq.; 22 CCR ch. 20; Title 24	H&S Code §§341.064, 341.0645; 25 TAC ch. 265, subch. L
Operating credential	State or delegated local swimming-facility license	Annual DOH operating permit	Local environmental-health permit	Local jurisdiction enforcement/permit practice under state standards
Adult-use authority	Municipal zoning; state spacing statute; Chicago adult-use rules	Local zoning/licensing; state adult-entertainment statutes are narrower	Local zoning/licensing; San Francisco expressly regulates ASVs	Local Government Code ch. 243 expressly authorizes city/county SOB regulation
Public conduct	720 ILCS 5/11-30 public indecency	Fla. Stat. §800.03 exposure; other lewdness laws	Penal Code §647(a), judicially narrowed	Penal Code §§21.07–21.08; broad public-place definition
Sex-based admission	Express distinctly-private exemption includes bath houses/health clubs	Fact-sensitive state coverage plus local ordinances	High Unruh Act risk for commercial men-only admission	No broad statewide sex/SOGI public-accommodation law; local rules vary
Membership consumer law	Physical Fitness Services Act may apply	Health Studio Act registration/contract/security	Health Studio Services Contract Law may apply	Health Spa Act registration/security/contract rules
Massage	Licensed individual therapists; local business rules	Individual and establishment licensure	CAMTC certification plus strong local business authority	Individual therapist and establishment licenses

SOGI = sexual orientation and gender identity. The matrix is an issue-spotter; local code and the final operating facts control.

5. Illinois

BOTTOM LINE

Illinois provides a well-defined swimming-facility licensing system and an unusually explicit state civil-rights exemption for sex-based distinctions in distinctly private bath houses and health clubs. The central risks are local adult-use zoning/registration and whether sexual activity occurs in a statutory “public place.”⁹

⁸ Civil Rights Act of 1964 tit. II, 42 U.S.C. § 2000a; U.S. Dep’t of Just., Civ. Rts. Div., *Title II of the Civil Rights Act (Public Accommodations)*, <https://www.justice.gov/crt/title-ii-civil-rights-act-public-accommodations>.

⁹ Illinois Human Rights Act, 775 Ill. Comp. Stat. 5/5-102, 5/5-103(B); Chi., Ill., Mun. Code § 17-9-0101 (Chicago Zoning Ordinance, Adult Uses); Ill. Dep’t of Pub. Health, *Swimming Facilities*, <https://dph.illinois.gov/topics-services/environmental-health-protection/swimming-facilities.html>.

5.1 State aquatic licensing and operation

The Swimming Facility Act, 210 ILCS 125, and IDPH’s 77 Ill. Administrative Code Part 820 establish minimum standards for swimming pools, spas, aquatic features, bathing beaches, and related facilities. IDPH or an approved ordinance health department licenses and inspects facilities. A membership club should assume its pool and spa are covered; the statutory program is designed to reach swimming facilities serving patrons rather than only municipal pools.¹⁰

- Plan and permit before work. Construction or a “major alteration” requires submission of plans and specifications and issuance of a construction/major-alteration permit. Approved plans must be retained at the facility. A separate building permit does not replace IDPH review.
- License before opening. Operating a swimming facility without the required IDPH or delegated local license is unlawful. The application identifies ownership and location; renewals, inspections, and fees follow the Act and Part 820.
- Responsible operator. The facility must designate a manager/operator responsible for daily compliance. Lifeguard requirements depend on facility type and whether unsupervised persons under 16 are permitted; an adults-only model may use the required no-lifeguard notice where allowed, but local and insurer standards may be stricter.
- Water and records. Part 820 requires disinfectant and pH testing at least twice daily for pools/aquatic features, weekly combined-chlorine testing when chlorine is used, weekly cyanuric-acid testing when applicable, and daily operational reports retained at least three years.
- Sanitation. Decks must be rinsed daily; indoor decks disinfected at least weekly; bather-preparation floors cleaned and disinfected daily; toilets, fixtures, lockers, furniture, and surfaces kept sanitary and in repair. Publicly maintained towels and suits must be washed and disinfected or machine dried after each use.
- Immediate closure. The operator must close for immediate dangers, failed bacteriology, loss of disinfectant, excessive halogen, inoperable recirculation/filtration, out-of-range pH, fecal or vomit incidents, or a compromised suction-outlet cover. IDPH may order closure.
- Patron rules. Required rules include exclusion of patrons with certain infectious conditions and persons under the influence or behaving erratically. These rules are best harmonized with disability law and applied through objective, current health guidance rather than stigmatizing status-based exclusions.

Design implication: separate the sexual-activity zone from the pool and spa enclosure. Besides infection-control reasons, keeping sex out of water and required rescue/sightline areas makes aquatic inspection and adult-use regulation easier to reconcile.

5.2 Adult use, zoning, and local licensing

Illinois municipalities regulate land use and adult uses. State law adds a spacing rule for an “adult entertainment facility”: generally not within 1,000 feet of schools, day-care centers, cemeteries, public parks, forest preserves, public housing, and places of worship, with a special one-mile rule in specified counties by population. Whether a given bathhouse falls within the statute’s definition, and whether local rules add stricter distances, are threshold questions.¹¹

Chicago illustrates the local layer. Municipal Code Chapter 16-16 regulates adult uses, defines categories including adult cabarets, bookstores, and theaters, requires registration of covered owners and premises with the Department of Business Affairs and Consumer Protection, and imposes operational rules. The

¹⁰ Swimming Facility Act, 210 Ill. Comp. Stat. 125; Ill. Admin. Code tit. 77, pt. 820 (Swimming Facility Code); IDPH, *supra* note 9.

¹¹ 65 Ill. Comp. Stat. 5/11-5-1.5.

zoning ordinance applies adult-use separation requirements, including buffers from another adult use, residential districts, schools, and religious assembly uses, and limits eligible districts.¹²

CLASSIFICATION CAUTION

Chicago’s listed categories do not automatically answer whether a patron-to-patron bathhouse is an “adult use.” Marketing, layout, entertainment, floor area, and any sale or display of adult materials can change the result. Only a written zoning use determination and BACP position based on complete plans and operating rules settles the question.

5.3 Public indecency and commercial sex

720 ILCS 5/11-30 makes sexual penetration, sexual conduct, and lewd exposure offenses when performed in a “public place.” The practical issue is not simply whether the operator calls a room private; it is whether the space and admission scheme make the conduct public or reasonably visible to others. Controlled adult admission, affirmative rules acknowledgment, separation from public circulation, private rooms, and protection from unwilling observation improve the facts but do not replace a local legal opinion.¹³

Illinois prostitution provisions reach sexual acts or genital touching exchanged for anything of value and related promotion, solicitation, patronizing, and place-of-prostitution conduct. A compliant operator prohibits any payment, tipping, bartering, room-credit exchange, or staff matchmaking for sexual activity; trains staff to intervene; and documents ejections and law-enforcement referrals where appropriate.¹⁴

5.4 Admission, privacy, and membership

The Illinois Human Rights Act generally prohibits discrimination in public accommodations, including on sex, sexual orientation, and gender-related identity. Section 5-103(B), however, expressly excludes from the sex-discrimination rule a facility “distinctly private in nature,” listing restrooms, shower rooms, bath houses, and health clubs, where the Department may grant exemptions based on bona fide public-policy considerations. A separate exception covers a truly private club not in fact open to the public.¹⁵

This is meaningful support for a sex-segregated intimate facility, but it is not a universal exemption from all protected-class rules. Open questions include whether same-day membership and advertising make the business public; how Illinois treats gender identity in sex-separated intimate facilities; whether an IDHR rule or exemption process applies; and how to draft a respectful, objective access policy. “Gay-oriented” marketing is legally different from excluding people by sexual orientation.

If memberships include fitness or exercise services, the Physical Fitness Services Act may require a written contract, disclosure of total cost, cancellation rights, refund rules, and limitations on advance obligations. An AED and medical-emergency plan may also be required under the Physical Fitness Facility Medical Emergency Preparedness Act, depending on facility classification.¹⁶

¹² Chi., Ill., Mun. Code ch. 16-16 (Adult Uses); Chi., Ill., Mun. Code § 17-9-0101; City of Chi., Dep’t of Bus. Affs. & Consumer Prot., *Zoning*, https://www.chicago.gov/city/en/depts/bacp/supp_info/zoning.html.

¹³ 720 Ill. Comp. Stat. 5/11-14 et seq., 5/11-30.

¹⁴ *Id.*

¹⁵ 775 Ill. Comp. Stat. 5/5-103(B).

¹⁶ Physical Fitness Services Act, 815 Ill. Comp. Stat. 645; Physical Fitness Facility Medical Emergency Preparedness Act, 210 Ill. Comp. Stat. 74.

5.5 Ancillary services and enforcement

- **Massage:** individual massage therapists must be licensed by IDFPR. Municipal massage-establishment or business rules may add an establishment credential, background checks, hours, and anti-prostitution conditions.¹⁷
- **Food and drink:** a café or food service needs the applicable local health permit. Alcohol requires state/local liquor approval and can be incompatible with nudity, adult-use conditions, and Part 820's intoxication rule.
- **Building and fire:** a certificate of occupancy must cover the precise use mix, occupant load, exits, emergency lighting, sprinklers/alarms, accessibility, wet-location electrical work, ventilation, plumbing fixture count, humidity control, and chemical rooms.
- **Enforcement:** tools include permit or license denial/suspension/revocation, inspection orders, aquatic closure, zoning injunctions, administrative fines, criminal charges, nuisance actions, and landlord remedies.

6. Florida

BOTTOM LINE

Florida has a clear county-administered public-pool operating-permit system and a health-studio consumer-registration regime. The difficult questions are local adult-use classification, the boundary between a place “set apart” for nudity and unlawful lewd conduct, and the scope of state and local public-accommodation protections.¹⁸

6.1 Public pools and spas

Chapter 514, Florida Statutes, Rule 64E-9, Florida Administrative Code, and the Florida Building Code divide responsibility between the building department and the Department of Health. County health departments issue operating permits and conduct inspections. DOH states that the building department may not issue a construction/modification permit until the operating-permit application is submitted, and may not issue a certificate of completion or occupancy until DOH issues the operating permit.¹⁹

- **Construction/alteration review.** Apply for DOH review and the building permit before construction or modification. Florida shifted many construction details into the Building Code while retaining sanitation and operations in Rule 64E-9.
- **Annual operating permit.** A public pool or spa needs an operating permit unless a statutory exemption applies. Club access ordinarily does not by itself eliminate regulation. The permit and approved night-swimming status govern operation.
- **Testing and logs.** Rule 64E-9.004 requires manual testing and on-site operational records, including disinfectant and pH checks and cyanuric-acid testing where used. Automatic controllers do not eliminate manual verification.

¹⁷ Ill. Dep't of Fin. & Pro. Regul., *Massage Therapy*, <https://idfpr.illinois.gov/profs/massagetherapy.html>.

¹⁸ Fla. Stat. ch. 514 (2025); Fla. Stat. § 760.02 (2025); Fla. Dep't of Health, *Public Swimming Pools*, <https://www.floridahealth.gov/community-environmental-public-health/environmental-public-health/water-quality/public-swimming-pools/>.

¹⁹ Fla. Stat. ch. 514; Fla. Admin. Code Ann. ch. 64E-9; Fla. DOH, *supra* note 18.

- Qualified servicing. Pool technicians generally need approved training, although §514.075 permits an owner or direct employee to operate the pool without the technician certification and recognizes licensed pool-servicing contractors.
- Safety and closure. DOH may inspect, enter, and close a pool that presents a significant health or safety risk. Night use requires approved lighting and permit notation. Spa signage includes time-limit warnings; the current sign package is confirmed during plan review.
- Federal anti-entrapment requirements. Florida’s permitting materials expressly incorporate VGB Act verification; use compliant covers and required secondary systems and keep product/installation records.

6.2 Adult-use zoning: statewide terms, local control

Florida Chapter 847 defines “adult entertainment establishment” mainly through adult bookstores, theaters, video stores, and strip clubs. Those statewide definitions do not neatly capture every bathhouse. Local governments use broader terms and control land use, spacing, and business tax/licensing. A concept may therefore be outside one state definition but squarely inside a county “encounter studio” or sexual-entertainment definition.²⁰

Miami-Dade County is illustrative. Its zoning code has treated an “encounter studio” as a premises for nude or partly nude encounter sessions or sexual consultation between two or more persons, and confines that use to specified business zoning with separation from sensitive uses, residential districts, and other adult uses, subject to special-exception procedures. The county code applies in unincorporated Miami-Dade; incorporated municipalities have their own codes.²¹

SPACING RULES

Spacing measurements depend on the current local measuring rule and the current inventory of protected uses, not on a marketing brochure or a broker’s estimate. Schools, parks, day care, houses of worship, residential zoning, and another adult use can eliminate a site even after architectural work has begun.

6.3 Nudity, lewdness, and prostitution

Florida Statutes §800.03 criminalizes exposure of sexual organs or nudity in public when done in a vulgar or indecent manner. It expressly provides that an individual who is merely naked at a place provided or set apart for that purpose does not violate the section. That safe harbor supports locker-room and bathhouse nudity, but it is not an affirmative authorization for sexual acts. Other lewdness provisions and local ordinances still require separate analysis.²²

Accordingly, design should separate ordinary nude bathing from adult-sex areas and shield both from public view. Whether private rooms, common adult spaces, and membership admission are “public” for each relevant offense is a county-specific legal question. Florida’s prostitution chapter separately prohibits compensated sex and related facilitation; the zero-commercial-sex controls described for Illinois apply equally.²³

²⁰ Fla. Stat. ch. 847 (2025).

²¹ Miami-Dade Cnty., Fla., Legislative Matter No. 013273 (2001) (encounter-studio zoning).

²² Fla. Stat. § 800.03 (2025).

²³ Fla. Stat. ch. 796 (2025).

6.4 Public accommodation and membership

The Florida Civil Rights Act’s public-accommodation definition is narrower than many states: it lists lodging, food establishments, gasoline stations, places of exhibition or entertainment, and establishments located within covered premises. Section 760.08 prohibits specified discrimination in public accommodations. Whether a standalone bathhouse is a covered place of entertainment, is genuinely private, or is reached by a city/county ordinance is fact-sensitive.²⁴

Florida’s state statute does not provide the same express bathhouse privacy exemption found in Illinois. Major local ordinances, including Miami-Dade’s, may protect sexual orientation, gender identity, and sex across broader public accommodations. A men-only policy therefore turns on local civil-rights law. A neutral all-adult policy with privacy options is the lower-litigation-risk default where the law is uncertain.

Florida’s Health Studio Act requires annual FDACS registration before opening, specified membership-contract terms, cancellation/refund rights, and in some cases \$25,000 security. Whether a bathhouse is a “health studio” depends on the services sold, but pools, exercise, sauna, and membership packages make early analysis prudent.²⁵

6.5 Ancillary licenses and enforcement

- **Massage:** Florida licenses both massage therapists and massage establishments; the establishment must identify a designated establishment manager and comply with training, records, and anti-trafficking requirements.²⁶
- **Lodging:** overnight accommodation or transient sleeping rooms can trigger public-lodging and possibly adult-motel rules. Time-limited private rooms used only while the patron remains in the venue are best documented as non-lodging, subject to local confirmation.
- **Food/alcohol:** DBPR, county, and municipal approvals may apply. Liquor licensing and adult-use/sexual conduct are a difficult combination; a nonalcoholic beverage program avoids the conflict.
- **Enforcement:** DOH can inspect and close aquatic facilities; FDACS can penalize unregistered health studios; local governments can enforce zoning and business codes; police/prosecutors enforce lewdness and prostitution laws.

7. California

BOTTOM LINE

California has comprehensive aquatic rules and strong statewide public-accommodation law. San Francisco is unique among the surveyed major markets because it expressly permits and regulates adult sex venues through a public-health framework. For a men-only commercial model, the Unruh Civil Rights Act is the principal statewide risk.²⁷

²⁴ Fla. Stat. § 760.02; Fla. Stat. § 760.08 (2025).

²⁵ Fla. Dep’t of Agric. & Consumer Servs., *Health Studios*, <https://www.fdacs.gov/Business-Services/Health-Studios>.

²⁶ Fla. Bd. of Massage Therapy, *Licensed Massage Establishment*, <https://floridasmassagetherapy.gov/licensed-massage-establishment/>.

²⁷ Cal. Civ. Code § 51 (Unruh Civil Rights Act); S.F., Cal., Health Code art. 47; Cal. Dep’t of Pub. Health, *California Swimming Pool Requirements*, <https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/RecreationalHealth/California-Swimming-Pool-Requirements.aspx>.

7.1 Public pools, spas, and local environmental health

California Health and Safety Code §116025 et seq., Title 22 regulations, and Title 24 building standards govern public pools. “Public” pools include facilities provided for members or guests of clubs and similar establishments. Local environmental-health departments commonly perform plan review, issue permits, inspect, and enforce, while building officials review construction and accessibility.²⁸

- Submit plans before construction, reconstruction, or alteration and obtain local environmental-health approval in addition to building permits.
- Operate under a current local health permit and maintain the pool/spa in a sanitary, healthful, and safe condition. The local health officer may inspect and order correction or closure.
- Maintain daily operating records, including required disinfectant, pH, and—where applicable—temperature and other chemistry readings. Exact testing frequencies and ranges for each vessel follow the county’s current checklist.
- Provide compliant recirculation, filtration, chemical feed, turnover, water clarity, safety equipment, signage, restrooms/showers, deck finishes, ventilation, and anti-entrapment systems. Heated spas require additional controls.
- California Building Code accessibility and federal ADA standards both apply. Plan accessible routes, changing/toilet facilities, and compliant means of pool/spa entry from the beginning.

7.2 San Francisco adult sex venues

San Francisco Health Code Article 47 defines and regulates Adult Sex Venues (ASVs). The 2020 amendments replaced the former approach with an affirmative public-health permitting framework. The Department of Public Health publishes application guidance and minimum standards. All required planning, fire, building, police, and other approvals remain separate.²⁹

- ASV permit and plan. Submit the DPH application and operating materials; comply with inspection, sanitation, and health-education requirements.
- Harm-reduction supplies. The city’s guidelines require free safer-sex materials, including lubricated and non-lubricated condoms, water-based lubricant, gloves, and barrier materials, plus accessible prevention information.
- Training and sanitation. Staff need training appropriate to Article 47; surfaces and spaces need cleaning procedures, supplies, waste handling, and a schedule that fits actual use.
- Privacy limits on conditions. Article 47’s minimum-standards authority does not allow the city to require monitoring of patron sexual activity, regulate doors, or prohibit locks as a health condition. Fire, building, accessibility, and other valid codes still govern doors, locks, exits, emergency access, and alarms.
- Bathhouse overlay. SF’s guidance states that an ASV operating as a bathhouse also needs the San Francisco Police Department public-bathhouse permit under Police Code Article 26.
- Physical safety. The guidelines call for compliance with fire/building/planning/health/police codes and emergency egress. Confirm exit count, travel distance, occupancy, emergency lighting, alarm audibility, and staff response with agencies before final layout.

²⁸ Cal. Health & Safety Code § 116025 et seq.; Cal. Code Regs. tit. 22, ch. 20 (Public Swimming Pools); CDPH, *supra* note 27.

²⁹ S.F., Cal., Health Code art. 47; S.F., Cal., Ordinance 127-20 (2020) (Bd. of Supervisors File No. 200141); S.F., *ASV Guidelines*, *supra* note 3.

WHY SAN FRANCISCO IS DIFFERENT

The local code openly regulates consensual adult-sex venues as a public-health and land-use category. That creates a clearer approval path than relying on silence or enforcement discretion. It still does not override state criminal law, prostitution law, Unruh Act duties, or building/fire requirements.

7.3 Criminal-law boundary

California Penal Code §647(a) addresses lewd conduct in a public place, a place open to the public, or a place exposed to public view. California decisions have narrowed the offense to circumstances involving knowledge that another person is present who may be offended. A properly permitted, adults-only ASV with controlled admission and spaces designed for consenting adults has materially better facts than an ordinary public venue, but the current cases must still be applied to the exact room and common-area design.³⁰

Penal Code §647(b) and related laws prohibit compensated sexual activity. Venue membership, locker, and room revenue must remain independent of patron-to-patron sex, and staff must not solicit, facilitate, or profit from paid sexual transactions. A compliant model offers no “hosts,” paid companions, commissions, referral fees, or performer contact.

7.4 Unruh Act and access policy

Civil Code §51—the Unruh Civil Rights Act—requires all business establishments to provide full and equal accommodations regardless of sex, sexual orientation, gender identity, gender expression, and other listed traits. The private-club exception is narrow and turns on genuine selectivity and associational characteristics, not a door fee called membership. California courts have also treated sex-based commercial promotions skeptically.³¹

ACCESS POLICY IN CALIFORNIA

A commercial men-only admission policy is substantially riskier in California than in Illinois. Any such policy would need a reasoned Unruh analysis addressing intimate-space privacy, transgender access, any private-association theory, local San Francisco nondiscrimination rules, and less discriminatory alternatives.

A lower-risk structure is gay/queer-oriented branding and programming with admission based on age and conduct, combined with privacy-respecting changing options and clear behavior rules. Branding for a community is not the same as excluding protected customers.

7.5 Membership, massage, alcohol, and enforcement

- Health-studio contracts: Civil Code §§1812.80–1812.97 regulate covered health-studio services, including writing, disclosures, cancellation rights, term, financing, and disability/death/move provisions.³²

³⁰ Cal. Penal Code § 647.

³¹ Cal. Civ. Code § 51.

³² Cal. Civ. Code §§ 1812.80–1812.97; Cal. Dep’t of Consumer Affs., *Overview of California’s Health Studio Services Contract Law: Legal Guide W-10*, https://www.dca.ca.gov/publications/legal_guides/w_10.html.

- **Massage:** California Massage Therapy Council certification is voluntary statewide, but cities and counties retain substantial authority over massage businesses and establishments. A venue offering massage needs local permit analysis and strict separation from any sexual-services implication.³³
- **Alcohol:** California ABC rules and disciplinary law restrict lewd conduct and sexual activity on licensed premises. Alcohol service at an ASV is best presumed incompatible absent a clear, written route from ABC and local counsel.
- **Enforcement:** local health permit suspension/closure, planning and building enforcement, Police Code permit action, civil Unruh claims, ABC discipline, and criminal enforcement can proceed independently.

8. Texas

BOTTOM LINE

Texas sets statewide sanitation standards for pools and spas but relies heavily on local health departments for administration. Local Government Code Chapter 243 gives cities and counties broad authority over sexually oriented businesses, while Penal Code public-lewdness rules create a separate conduct risk. Every answer is city- and parcel-specific.³⁴

8.1 Pools, spas, and bathhouses

Texas Health and Safety Code §§341.064 and 341.0645 and 25 Texas Administrative Code Chapter 265, Subchapter L establish safety and sanitation rules for public pools and spas. The current Subchapter L took effect April 26, 2024. DSHS, local health departments, and local code-enforcement offices share administration; DSHS notes that it does not inspect pools in jurisdictions with a local health department.³⁵

- Determine the authority having jurisdiction at the parcel. Confirm plan-review, permit, fee, inspection, and renewal practice in writing because Texas administration is decentralized.
- Design to current state rules for circulation/filtration, disinfectant, pH, water clarity, turnover, chemical feed, safety equipment, deck and barrier conditions, signage, plumbing, and anti-entrapment.
- Designate responsible personnel and maintain required operational testing and records. Use the current DSHS/local inspection checklist as a commissioning punch list.
- Immediately close affected vessels when required chemistry, clarity, circulation, safety equipment, or entrapment protection is not maintained, and follow local reopening instructions.
- The statutory heading “Swimming Pools and Bathhouses” does not create an adult-sex-venue license; it is sanitation authority. Adult-use and conduct issues remain separate.

8.2 Sexually oriented business authority

Texas Local Government Code Chapter 243 expressly authorizes municipalities and counties to regulate sexually oriented businesses to promote health, safety, and welfare. The definition includes listed categories such as sex parlors, nude studios, and love parlors and a residual category for a commercial enterprise

³³ Cal. Massage Therapy Council, <https://www.camtc.org/>.

³⁴ Tex. Health & Safety Code §§ 341.064, 341.0645; Tex. Loc. Gov’t Code ch. 243; Tex. Penal Code §§ 21.07–.08; 25 Tex. Admin. Code ch. 265, subch. L (eff. Apr. 26, 2024); Tex. Dep’t of State Health Servs., *Laws and Rules – Public Swimming Pools and Spas*, <https://www.dshs.texas.gov/public-swimming-pools-spas/laws-rules-public-swimming-pools-spas>.

³⁵ Tex. Health & Safety Code §§ 341.064, 341.0645; 25 Tex. Admin. Code ch. 265, subch. L; Tex. DSHS, *supra* note 34.

whose primary business offers a service or item intended to provide sexual stimulation or gratification. Local governments may regulate location and density and require permits.³⁶

Houston’s Chapter 28 and permitting program illustrate the local overlay. The city regulates sexually oriented enterprises and employees through permits administered by the Houston Police Department/Vice Division and the Administration and Regulatory Affairs Department. Its ordinance contains category-specific conduct restrictions, including prohibitions for certain adult arcades and mini-theaters. A bathhouse’s classification may turn on whether it is a public bath, adult encounter parlor, adult arcade, or residual sexually oriented enterprise.³⁷

AN EXISTING CLUB IS NOT A PRECEDENT

The operation of an existing bathhouse in a Texas city does not establish that a new site, new layout, or particular conduct is lawful. Grandfathering, consent decrees, prior permits, enforcement history, zoning changes, and different floor plans can produce different results.

8.3 Public lewdness and prostitution

Texas Penal Code §21.07 criminalizes specified sexual acts when committed in a public place. Section 21.08 separately addresses indecent exposure. Penal Code §1.07 defines “public place” broadly to include a place to which the public or a substantial group of the public has access and common areas of certain buildings and facilities. A commercial club with same-day access may therefore be public even if privately owned.³⁸

The central Texas question is whether each proposed common adult area or room is a “public place” under current Texas appellate law and the selected city’s ordinances. Controlled membership, adult-only consent, partitions, no public view, and genuinely private rooms are helpful facts but not a statutory safe harbor. If the legal opinion cannot support sexual activity, an SOB permit does not cure the Penal Code problem.

Texas Penal Code Chapter 43 prohibits prostitution and promotion. A compliant model bans all compensation for sex, employee sexual contact with patrons while working, paid hosts, partner arrangement, referral payments, and any share of patron-to-patron transactions.³⁹

8.4 Access and health-spa contracts

Texas does not have a single broad statewide public-accommodation law that mirrors California’s Unruh Act for sex, sexual orientation, and gender identity across all businesses. Federal law and municipal ordinances still apply, and cities differ. The legal status of a men-only commercial club therefore depends on the city, the ordinance’s definition and exemptions, and whether the club is genuinely private. Any exclusion policy requires local civil-rights review.

Occupations Code Chapter 702—the Texas Health Spa Act—requires an operator’s certificate of registration for each covered health-spa location before operating or selling memberships, a security deposit unless exempt, and compliant membership contracts. A bathhouse offering exercise, sauna, pools, or related physical-conditioning services may fall within the definition. The Secretary of State administers the program.⁴⁰

³⁶ Tex. Loc. Gov’t Code ch. 243.

³⁷ Houston, Tex., Code of Ordinances ch. 28; City of Houston, Admin. & Regul. Affs. Dep’t, Sexually Oriented Business permitting page, <https://www.houstontx.gov/ara/cp/sob.html>.

³⁸ Tex. Penal Code §§ 21.07–.08; Tex. Penal Code § 1.07.

³⁹ Tex. Penal Code ch. 43.

⁴⁰ Tex. Occ. Code ch. 702 (Texas Health Spa Act); Tex. Sec’y of State, *Registered Health Spas*, <https://www.sos.state.tx.us/statdoc/healthspas/index.shtml>.

8.5 Massage, alcohol, local sanitation, and enforcement

- **Massage:** TDLR licenses massage therapists and massage establishments. Establishment applications, ownership disclosures, fingerprint/background requirements, and operational rules apply. A compliant model uses licensed professionals and prohibits sexual services.⁴¹
- **Local sanitation:** cities may impose plumbing, public-restroom, food, ventilation, smoking, nuisance, and occupancy rules beyond state pool standards.
- **Alcohol:** TABC licensing and local SOB rules require a separate analysis; alcohol plus nudity/sexual conduct significantly increases licensing and liability risk.
- **Enforcement:** local permit denial/revocation, criminal penalties, civil injunctions, nuisance abatement, pool closure, health-spa registration enforcement, and lease default can occur in parallel.

9. A model operating standard

The following standard sits above the legal minimums. It does not replace state or local requirements. It describes an auditable operating system that regulators, insurers, lenders, staff, and patrons can understand, and it illustrates the kinds of conditions a modern licensing framework can impose and a responsible operator can meet.

9.1 Governance and responsible personnel

- Name a general manager, aquatic operator, safety lead, facilities lead, and privacy lead.
- Maintain a permit register showing issuing authority, permit number, renewal date, inspection frequency, conditions, responsible owner, and corrective actions.
- Use licensed contractors for pool/spa service, electrical, plumbing, HVAC, alarm, fire protection, pest control, linen service, massage, and food work as required.
- Require annual legal review of the admissions policy, adult-use classification, conduct rules, privacy/camera map, and marketing copy.

9.2 Aquatic and environmental controls

Control	Minimum operating approach	Record
Water chemistry	Test at required state/local frequency; verify automated readings manually; set action and closure thresholds for each vessel	Time-stamped vessel log; calibration and corrective-action log
Recirculation/filtration	Continuous operation when required; daily inspection of flow, pressure, feed, drains, covers, skimmers, and water clarity	Opening checklist; maintenance work orders
Spa risk	Control temperature, turnover, disinfectant, bather load, time limits, and biofilm; drain/clean on required schedule	Temperature/chemistry log; drain-and-clean record
Wet surfaces	Slip-resistant repair; daily cleaning; scheduled disinfection; immediate bodily-fluid response	Cleaning schedule; incident log
Air and humidity	Commission HVAC for steam, chloramine, heat, and occupancy loads; prevent condensation and mold	Balancing report; IAQ checks; service records
Chemicals	Separated, ventilated storage; SDS; compatible storage; PPE; spill plan; no untrained response	Inventory; SDS binder; inspection and training record
Closures	Written stop-use authority for chemistry, clarity, circulation, entrapment, contamination, or structural hazards	Closure/reopening form and agency notice

⁴¹ Tex. Dep't of Licensing & Regul., *Massage Therapy*, <https://www.tdlr.texas.gov/mas/>.

9.3 Sexual-health, consent, and safety

- Admit adults only; verify government-issued identification; prohibit minors in all circumstances; retain only the minimum identity data justified by law and safety.
- Require acknowledgment of consent, conduct, photography, intoxication, commercial-sex, harassment, and ejection rules. Consent must be affirmative, specific, ongoing, and revocable.
- Provide free condoms in multiple types/sizes, compatible lubricant, gloves/barriers, disposal containers, and plain-language information about HIV PrEP/PEP, STI testing, doxy-PEP where clinically appropriate, mpox vaccination, and hepatitis vaccination. Medical decisions belong to clinicians.
- Create partnerships for voluntary testing, vaccination, and referrals without collecting diagnoses as a condition of admission. Do not make stigmatizing assumptions based on appearance, HIV status, disability, race, orientation, or gender identity.
- Train staff in de-escalation, overdose response where relevant, CPR/AED, first aid, sexual-assault response, trafficking indicators, bloodborne-pathogen precautions, and trauma-informed documentation.
- Prohibit sex in pools/spas, mechanical/chemical areas, exits, public circulation, and any place where a nonconsenting person or the outside public can view it.
- Publish a clear response ladder: verbal intervention, separation, medical support, ejection/suspension, preservation of evidence, and emergency/law-enforcement contact when required or requested.

9.4 Privacy, surveillance, and records

- No cameras or audio recording in toilets, showers, locker/changing areas, saunas, steam rooms, pools where nudity is expected, adult-sex zones, or private rooms.
- If cameras are used at entrances, cash points, exterior approaches, or non-intimate corridors, create a camera map, prominent notices, strict access controls, short retention, and a documented law-enforcement request process.
- Do not use facial recognition or retain ID scans without a separately vetted privacy, biometric, retention, breach, and consent program. Illinois's Biometric Information Privacy Act creates particular exposure.
- Segregate membership, payment, incident, health-event, and employee records. Limit staff access by role; encrypt; log access; define deletion schedules; never market a patron's attendance.
- Give staff emergency access to private rooms through a lawful master-release protocol while protecting patrons from routine observation.

9.5 Staffing and cleaning model

A venue that expects adult activity should not use ordinary gym cleaning assumptions. The labor model must cover continuous reception/age verification, aquatic rounds, common-area safety rounds, rapid turnover cleaning, laundry, restocking harm-reduction supplies, incident response, and end-of-day deep cleaning. Staffing levels must be based on peak occupancy, floor plan, response time, and permit conditions—not merely square footage.

Zone	During operation	Between users / scheduled	Prohibited practice
Pool/spa deck	Chemistry/clarity/safety rounds; dry hazards; bather load	State/local testing; deck cleaning; equipment checks	Sexual activity; obstructed rescue paths; unattended closures
Steam/sauna	Heat, timer, condition, occupancy, emergency access	Surface cleaning; drain and ventilation inspection	Locked egress; unapproved materials; impaired patrons
Adult common area	Consent/safety presence consistent with local law and privacy	High-touch disinfection; supply/waste service	Recording; staff participation; paid sex
Private room	Emergency availability; no routine surveillance	Full turnover clean; linen change; damage and sharps check	Hidden cameras; reused linen; untrained sharps handling
Laundry/utility	Clean/dirty separation; PPE; chemical control	Documented processing cycle; pest/moisture checks	Patron access; mixing incompatible chemicals

9.6 Business-model controls

- Membership and day-pass contracts should identify the product as access to premises and amenities, not access to people or sexual activity.
- Private-room charges should be uniform, posted, receipted, and unrelated to who occupies or visits the room. The operator does not select partners.
- No cash payments between staff and patrons except ordinary point-of-sale transactions; no tips for sexualized service; no commissions tied to room activity.
- Avoid overnight stays, beds marketed for lodging, baggage storage beyond the visit, or check-in/check-out practices that resemble a hotel unless lodging is separately licensed.

10. Public-health and epidemiological context

Two different public-health systems intersect at a bathhouse: treated recreational water and sexual health. The evidence supports engineering, sanitation, vaccination, testing, and harm reduction. It does not support treating the identity of patrons as a hazard.

10.1 Treated recreational water

CDC reported 208 treated-recreational-water outbreaks during 2015–2019, causing at least 3,646 illnesses, 286 hospitalizations, and 13 deaths; 96% were associated with public pools, hot tubs, or water playgrounds. *Cryptosporidium* caused the largest number of reported illnesses, while *Legionella* accounted for reported deaths in that analysis. Hot tubs are particularly vulnerable to *Legionella* and *Pseudomonas* when disinfectant, temperature, turnover, or biofilm control fails.⁴²

The CDC Model Aquatic Health Code is voluntary guidance unless adopted by a jurisdiction, but it is a useful design and operating benchmark for ventilation, operator training, contamination response, recordkeeping, and risk management. State code remains the enforceable minimum.⁴³

⁴² Michele C. Hlavsa et al., *Outbreaks Associated with Treated Recreational Water – United States, 2015–2019*, 70 Morbidity & Mortality Wkly. Rep. 733 (2021), <https://www.cdc.gov/mmwr/volumes/70/wr/mm7020a1.htm>.

⁴³ Ctrs. for Disease Control & Prevention, *Model Aquatic Health Code* (4th ed. 2023), <https://stacks.cdc.gov/view/cdc/127806>.

10.2 Sexual health

Bathhouse-specific surveillance is limited and often confounded by who attends, how exposure is reported, changes in testing, and access to prevention. A venue should not claim that closure or permissive operation alone determines community transmission. The strongest operational case is measurable prevention: ready access to condoms and lubricant, PrEP/PEP information and referral, regular STI screening partnerships, vaccination, consent norms, and rapid response to public-health advisories.

San Francisco's Article 47 framework is notable because it regulates adult sex venues while requiring prevention materials and sanitation rather than compulsory observation of patron activity. This privacy-preserving approach is a practical model for the other states even when not legally mandated.⁴⁴

10.3 Communicable-disease protocol

- Name a public-health liaison and maintain current contacts for the local health department, testing partners, emergency services, and occupational-health provider.
- Use symptom- and exposure-based guidance from current public-health authorities; do not invent disease-status admission screens or retain unnecessary health data.
- Have written responses for diarrheal incidents in water, suspected *Legionella*/*Pseudomonas* issues, blood/body-fluid spills, sharps, respiratory outbreaks, mpox advisories, and employee exposures.
- Allow health authorities to conduct lawful investigations while protecting patron confidentiality to the extent permitted; preserve required operational records and disclose only what the law requires.
- Communicate closures and exposure notices with neutral, factual language and no disclosure of identity or orientation.

11. What the survey shows

- **Bathhouses are regulated through existing systems.** In each state, pools and spas fall under established aquatic-facility licensing, inspection, and closure authority, even when access is by membership. Land use, adult-business licensing, criminal law, civil-rights law, and consumer-contract law each apply separately.
- **No categorical ban was identified.** The survey did not identify, in any of the four states, a categorical statewide prohibition equivalent to a rule that simply bans all such venues. Viability instead depends on satisfying each body of law for a specific parcel, layout, and operating model.
- **San Francisco shows an affirmative public-health model.** Article 47 permits and regulates adult sex venues, requires free harm-reduction supplies, sanitation, and staff training, and does not allow the city to require monitoring of patron sexual activity as a health condition.⁴⁵
- **The public-health evidence points to engineering and prevention.** The evidence reviewed supports sanitation, water-system controls, vaccination, testing, and harm reduction. It does not support treating the identity of patrons as a hazard.⁴⁶

⁴⁴ S.F., Cal., Health Code art. 47; S.F., *ASV Guidelines*, *supra* note 3.

⁴⁵ S.F., Cal., Health Code art. 47; S.F., *ASV Guidelines*, *supra* note 3.

⁴⁶ See Hlavsa et al., *supra* note 42; CDC, *Model Aquatic Health Code*, *supra* note 43.

Appendix A. Permit and approval matrix

Workstream	Illinois	Florida	California	Texas
Entity and tax	Secretary of State; tax registrations; local business license	Sunbiz; tax; local business tax receipt	Secretary of State; CDTFA; local business registration	Secretary of State; Comptroller; local registrations
Zoning/use	Municipal/county zoning; adult-use determination; spacing	Municipal/county zoning; encounter/adult-use determination; spacing	Local planning; ASV/public bathhouse use where applicable	City/county zoning and Chapter 243 SOB classification/spacing
Building/CO	Local building, plumbing, mechanical, electrical, accessibility, CO	Local building under Florida Building Code; CO/CC coordinated with DOH	Local building/Title 24; accessibility; certificate of occupancy	Local building/fire; certificate of occupancy where required
Fire/life safety	Fire prevention bureau; occupancy; alarm/sprinkler	Local fire marshal	Local fire department; SF Fire in ASV pathway	Local fire marshal
Pool/spa	IDPH or ordinance health department construction permit + license	County DOH operating-permit application + annual permit; building approval	County/city environmental-health plan approval + permit	Local health/DSHS pathway under 25 TAC Subch. L
Adult business	Local adult-use registration/license if classified	Local adult-entertainment/encounter permit if classified	SF DPH ASV permit; SF Police public-bathhouse permit; elsewhere local	Local SOB enterprise permit; employee permits if required
Membership	Physical Fitness Services Act compliance if covered	FDACS health-studio registration/contract/security if covered	Health Studio Services Contract Law if covered	SOS health-spa registration/security/contracts if covered
Massage	IDFPR therapist + local establishment rules	DBPR therapist + massage establishment	CAMTC/local massage establishment rules	TDLR therapist + establishment license
Food/alcohol	Local food; state/local liquor	DBPR/DOH food; alcohol licensing	Local food; ABC alcohol	Local food; TABC alcohol
Employment/safety	Illinois/federal labor; OSHA or Illinois OSHA as applicable; BBP assessment	Federal OSHA; Florida labor requirements	Cal/OSHA; IIPP; BBP assessment	Federal OSHA; Texas labor requirements

Agency names and permit labels vary locally.

Appendix B. Recurring classification questions

The following questions recur whenever a bathhouse is classified and permitted. They illustrate why the answer is rarely a single permit.

1. What exact zoning use or uses describe the concept? Is any component accessory, mixed, or independently conditional/special?
2. Does the local adult-business definition reach patron-to-patron activity, nude bathing, private rooms, marketing, adult retail, or only employee/customer activity and performances?
3. Which separation distances apply, how are they measured, what protected uses are counted, and what happens if a protected use opens later?
4. Is the use permitted by right, special/conditional use, variance, or prohibited? What hearings, notices, appeals, amortization, transfer, and lapse rules apply?
5. Is the pool/spa public under the state definition despite membership? Which authority issues construction approval, operating permit, inspections, and closures?
6. Which exact conduct areas are a public place or open to the public under current criminal cases? What facts make a room private or public?

7. Does the adult-use permit authorize, restrict, or remain silent about patron sexual activity? Do local conduct rules impose visibility, doors, locks, lighting, or monitoring conditions?
8. Does the proposed sex-based admissions policy comply with state and local public-accommodation law, including gender identity rules and intimate-facility exceptions?
9. Does a private-club exception apply in substance, and what selectivity, governance, guest, advertising, and membership facts are required?
10. Do memberships trigger health-studio/fitness-services registration, security, contract, cancellation, presale, or automatic-renewal rules?
11. Do private rooms create lodging, hotel, adult-motel, rooming-house, or sleeping-unit classifications?
12. Can food or alcohol be sold without conflicting with adult-use, liquor, pool, or nudity rules?
13. Which staff licenses, background checks, employee permits, training, and minimum staffing are required?
14. Where are cameras forbidden? What notice, retention, biometric, wiretap, consumer-privacy, and breach rules apply?
15. What conduct must staff stop, what may staff not observe, when may staff enter a room, and when must incidents be reported?
16. What are the denial, suspension, revocation, closure, nuisance, criminal, civil, and personal-liability consequences?

Source list

Citations follow Bluebook conventions adapted for a public report. Statutory and regulatory citations are to current online codifications, which are unofficial; statutory sites may display the latest codification or a labeled annual edition, so amendments and effective dates should be verified immediately before reliance. Unless otherwise noted, all URLs were last visited August 21, 2026. “First cited” gives the footnote where each source is first cited in full.

New York

N.Y. Comp. Codes R. & Regs. tit. 10, § 24-2.2 [first cited n. 1]

Quoted from DOH’s online compilation (last visited Sept. 21, 2026). Added in this edition.

<https://regs.health.ny.gov/content/section-24-22-prohibited-facilities>

New Yorkers for a Modern Health Code, *10 NYCRR Part 24: Adoption, Amendment, and SAPA § 207 Review History* (Sept. 2026) [first cited n. 2]

Companion report, published with this survey.

Federal

Virginia Graeme Baker Pool and Spa Safety Act, 15 U.S.C. §§ 8001–8008 [first cited n. 6]

Added in this edition to cite the statute named in the text.

Civil Rights Act of 1964 tit. II, 42 U.S.C. § 2000a [first cited n. 8]

Added in this edition to cite the statute named in the text.

29 C.F.R. § 1910.1030 (Bloodborne Pathogens Standard) [first cited n. 7]

Occupational Safety and Health Administration.

<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030>

U.S. Dep’t of Just., *ADA Requirements: Accessible Pools Means of Entry and Exit* [first cited n. 5]

<https://www.ada.gov/resources/accessible-pools-requirements/>

U.S. Dep’t of Just., *2010 ADA Standards for Accessible Design* §§ 242, 1009 (2010) [first cited n. 5]

Sections 242 and 1009 address pools and spas.

<https://www.ada.gov/law-and-regs/design-standards/2010-stds/>

U.S. Consumer Prod. Safety Comm’n, *Pool and Spa Drain Cover* [first cited n. 6]

Drain-cover guidance under the Virginia Graeme Baker Act.

<https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Pool-and-Spa-Drain-Covers>

U.S. Dep’t of Just., Civ. Rts. Div., *Title II of the Civil Rights Act (Public Accommodations)* [first cited n. 8]

<https://www.justice.gov/crt/title-ii-civil-rights-act-public-accommodations>

Illinois

Swimming Facility Act, 210 Ill. Comp. Stat. 125 [first cited n. 10]

Named in the text; added as a citation in this edition.

Illinois Human Rights Act, 775 Ill. Comp. Stat. 5/5-102, 5/5-103(B) [first cited n. 9]

Public-accommodation provisions, including § 5-103(B) (facilities distinctly private in nature).

<https://www.ilga.gov/legislation/ILCS/details?ActID=2266&ActName=Illinois+Human+Rights+Act.&ChapAct=775+ILCS+5%2F&ChapterID=64&Print=True>

65 Ill. Comp. Stat. 5/11-5-1.5 [first cited n. 11]

Illinois Municipal Code: adult entertainment facility spacing.

<https://ilga.gov/legislation/ilcs/fulltext?DocName=006500050K11-5-1.5>

720 Ill. Comp. Stat. 5/11-14 et seq., 5/11-30 [first cited n. 13]

Criminal Code of 2012: prostitution-related offenses and public indecency.

<https://www.ilga.gov/legislation/ILCS/details?ActID=1876&ActName=Criminal+Code+of+2012.&ChapAct=720+ILCS+5%2F&Chapter=&ChapterID=53&MajorTopic=&SeqEnd=21000000&SeqStart=14400000>

Physical Fitness Services Act, 815 Ill. Comp. Stat. 645 [first cited n. 16]

Membership-contract consumer protection.

<https://www.ilga.gov/Legislation/ILCS/Articles?ActID=2376&ChapterID=67&Print=True>

Physical Fitness Facility Medical Emergency Preparedness Act, 210 Ill. Comp. Stat. 74 [first cited n. 16]

AED and emergency planning.

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2662&ChapterID=21>

Chi., Ill., Mun. Code ch. 16-16 (Adult Uses) [first cited n. 12]

Definitions, regulation, and registration.

https://codelibrary.amlegal.com/codes/chicago/latest/chicago_il/0-0-0-2680788

Chi., Ill., Mun. Code § 17-9-0101 (Chicago Zoning Ordinance, Adult Uses) [first cited n. 9]

Spacing and location rules.

https://codelibrary.amlegal.com/codes/chicago/latest/chicagozoning_il/0-0-0-50340

Ill. Admin. Code tit. 77, pt. 820 (Swimming Facility Code) [first cited n. 10]

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<https://www.ilga.gov/agencies/JCAR/EntirePart?titlepart=07700820>

Ill. Dep’t of Pub. Health, *Swimming Facilities* [first cited n. 9]

Program, forms, and contacts.

<https://dph.illinois.gov/topics-services/environmental-health-protection/swimming-facilities.html>

City of Chi., Dep’t of Bus. Affs. & Consumer Prot., *Zoning* [first cited n. 12]

Business zoning review resource.

https://www.chicago.gov/city/en/depts/bacp/supp_info/zoning.html

Ill. Dep’t of Fin. & Pro. Regul., *Massage Therapy* [first cited n. 17]

Licensing and resources.

<https://idfpr.illinois.gov/profs/massagetherapy.html>

Florida

Fla. Stat. ch. 514 (2025) [first cited n. 18]

Public swimming and bathing facilities: construction, operating permits, inspection, and closure.

<https://www.flsenate.gov/Laws/Statutes/2025/Chapter514>

Fla. Stat. ch. 847 (2025) [first cited n. 20]

Obscenity; includes adult-entertainment definitions.

<https://www.flsenate.gov/Laws/Statutes/2025/Chapter847>

Fla. Stat. § 800.03 (2025) [first cited n. 22]

Exposure of sexual organs; includes a place set apart for mere nudity.

<https://www.flsenate.gov/Laws/Statutes/2025/800.03>

Fla. Stat. § 760.02 (2025) [first cited n. 18]

Definitions, including public accommodation.

<https://www.flsenate.gov/Laws/Statutes/2025/760.02>

Fla. Stat. § 760.08 (2025) [first cited n. 24]

Discrimination in places of public accommodation.

<https://www.flsenate.gov/Laws/Statutes/2025/760.08>

Fla. Stat. ch. 796 (2025) [first cited n. 23]

Prostitution and related offenses.

<https://www.flsenate.gov/Laws/Statutes/2025/Chapter796>

Miami-Dade Cnty., Fla., Legislative Matter No. 013273 (2001) (encounter-studio zoning) [first cited n. 21]

Official county legislative history; current code text should be verified.

<https://www.miamidade.gov/govaction/matter.asp?file=false&fileAnalysis=false&matter=013273&year=2001>

Fla. Admin. Code Ann. ch. 64E-9 [first cited n. 19]

Public swimming pools and bathing places.

<https://flrules.org/gateway/ChapterHome.asp?Chapter=64E-9>

Fla. Dep’t of Health, *Public Swimming Pools* [first cited n. 18]

Permits, inspections, plan process, and rules.

<https://www.floridahealth.gov/community-environmental-public-health/environmental-public-health/water-quality/public-swimming-pools/>

Fla. Dep’t of Agric. & Consumer Servs., *Health Studios* [first cited n. 25]

Registration, contracts, and security.

<https://www.fdacs.gov/Business-Services/Health-Studios>

Fla. Bd. of Massage Therapy, *Licensed Massage Establishment* [first cited n. 26]

Establishment licensing.

<https://floridasmassagetherapy.gov/licensed-massage-establishment/>

California

Cal. Health & Safety Code § 116025 et seq. [first cited n. 28]

Public swimming pools.

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=104.&chapter=5.&part=10.&lawCode=HSC

Cal. Penal Code § 647 [first cited n. 30]

Lewd conduct and prostitution provisions.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=647.**Cal. Civ. Code § 51 (Unruh Civil Rights Act)** [first cited n. 27]

Business-establishment nondiscrimination.

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=51.**Cal. Civ. Code §§ 1812.80–1812.97** [first cited n. 32]

Health Studio Services Contract Law. Named in the text; added as a citation in this edition.

S.F., Cal., Health Code art. 47 (Adult Sex Venues) [first cited n. 3]

Definitions and minimum-standards authority.

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/0-0-0-60921**S.F., Cal., Ordinance 127-20 (2020) (Bd. of Supervisors File No. 200141)** [first cited n. 29]

Legislative record for the Article 47 reform.

<https://sfgov.legistar.com/LegislationDetail.aspx?GUID=7C4C2276-7BA0-455F-B1CA-594966770A59&ID=4332669&Options=&Search=>**Cal. Code Regs. tit. 22, ch. 20 (Public Swimming Pools)** [first cited n. 28]<https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I80717FC85B6111EC9451000D3A7C4BC3>**Cal. Dep’t of Pub. Health, *California Swimming Pool Requirements*** [first cited n. 27]

Statutes, regulations, and resources.

<https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/RecreationalHealth/California-Swimming-Pool-Requirements.aspx>**City & Cnty. of S.F., *Guidelines for Adult Sex Venues (ASV)*** [first cited n. 3]

Application and operating guidance.

<https://www.sf.gov/information--guidelines-adult-sex-venues-asv>**Cal. Dep’t of Consumer Affs., *Overview of California’s Health Studio Services Contract Law: Legal Guide W-10*** [first cited n. 32]

Membership-contract requirements.

https://www.dca.ca.gov/publications/legal_guides/w_10.html**Cal. Massage Therapy Council** [first cited n. 33]

Certification and local-regulation resources.

<https://www.camtc.org/>

Texas

Tex. Health & Safety Code §§ 341.064, 341.0645 [first cited n. 34]

Named in the text; added as a citation in this edition.

Tex. Loc. Gov’t Code ch. 243 [first cited n. 4]

Municipal and county sexually oriented business authority.

<https://statutes.capitol.texas.gov/GetStatute.aspx?Code=LG&Value=243>**Tex. Penal Code §§ 21.07–.08** [first cited n. 34]

Public lewdness and indecent exposure.

<https://statutes.capitol.texas.gov/GetStatute.aspx?Code=PE&Value=21>**Tex. Penal Code § 1.07** [first cited n. 38]

Definitions, including “public place.”

<https://statutes.capitol.texas.gov/GetStatute.aspx?Code=PE&Value=1.07>**Tex. Penal Code ch. 43** [first cited n. 39]

Prostitution and related offenses.

<https://statutes.capitol.texas.gov/GetStatute.aspx?Code=PE&Value=43>**Tex. Occ. Code ch. 702 (Texas Health Spa Act)** [first cited n. 40]

Named in the text; added as a citation in this edition.

Houston, Tex., Code of Ordinances ch. 28 [first cited n. 37]

Local miscellaneous offenses and sexually oriented business rules.

https://library.municode.com/tx/houston/codes/code_of_ordinances?nodeId=COOR_CH28MIOFPR**25 Tex. Admin. Code ch. 265, subch. L (eff. Apr. 26, 2024)** [first cited n. 34]

Public swimming pools and spas.

<https://www.dshs.texas.gov/sites/default/files/poolspa/pdf/25%20TAC-P1-CH%20265-SubCh%20L%20-%20050324.pdf>**Tex. Dep’t of State Health Servs., *Laws and Rules – Public Swimming Pools and Spas*** [first cited n. 34]

State statutes and current rules.

<https://www.dshs.texas.gov/public-swimming-pools-spas/laws-rules-public-swimming-pools-spas>**City of Houston, Admin. & Regul. Affs. Dep’t, Sexually Oriented Business permitting page** [first cited n. 37]

Enterprise and employee permitting.

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Tex. Sec'y of State, *Registered Health Spas* [first cited n. 40]

Registration, security, and consumer protection.

<https://www.sos.state.tx.us/statdoc/healthspas/index.shtml>

Tex. Dep't of Licensing & Regul., *Massage Therapy* [first cited n. 41]

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