Legislation Details (With Text)

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Title: Amending Chapter 412 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/18/2020	1	Mayor's Office	Signed	
2/12/2020	1	City Council	Adopted	Pass
2/5/2020	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
1/15/2020	1	City Council	Laid Over to Third Reading/Public Hearing	
1/8/2020	1	City Council	Laid Over to Second Reading	

Amending Chapter 412 of the Legislative Code regarding Massage and Bodywork Centers to add a solo massage center to the Class A license category.

WHEREAS, the City of Saint Paul Legislative Code defines two categories of massage locations: Massage or bodywork centers, and home locations for solo practitioners; and

WHEREAS, the Code does not include a category that addresses solo massage practitioners who operate out of non-home locations (for example, rented office space); and

WHEREAS, the City desires to create a separate category in the Code that covers solo massage practitioners who operate out of non-home locations and to allow a separate fee category for the same.

NOW THEREFORE, THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN that Chapter 412, Massage and Bodywork Centers, of the Legislative Code be amended to read as follows:

SECTION 1.

Sec. 412.02 is hereby amended to read as follows:

Sec. 412.02. - Definitions.

As used in this chapter, the terms defined in this section shall have the following meanings ascribed to them:

(1) *Adequate or approved* means acceptable to the director, following his or her determination as to conformance with public health practices and standards contained in existing health, building,

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housing, fire, food protection, or other applicable codes.

(2) *Change of ownership* means when a licensed business is sold or transferred to another person, business or corporation. A change of ownership, as it relates to an environmental plan review, does not include the changing or adding of officers to an existing partnership or corporation or change of a mailing address.

(3) *Director* means the director of the department of safety and inspections or his/her designated agent.

(4) *Massage* or *bodywork* means any method of applying pressure on, or friction against, or rubbing, stroking, tapping, effleurage or gliding; petrissage or kneading; vibration and jostling; friction; tapotement or percussion; compression; fascial manipulation; passive stretching within the normal anatomical range of motion or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. The practice of massage or bodywork shall not include and is distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry. Persons duly licensed or registered to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, and nurses who work under the direction of such persons, are hereby expressly excluded from the requirements of this chapter, provided the massage or bodywork is administered in the regular course of a prescribed or authorized medical treatment and not provided as part of a separate and distinct massage or bodywork business. Beauty culturists, barbers and cosmetologists who do not give, or hold themselves out to give, massages or bodywork other than those customarily given in such shops or places of business for the purposes of beautification only, and persons who give massages or bodywork only incidentally to their general occupations and receive no compensation specifically for giving massages or bodywork, shall also be excluded from the provisions of this chapter.

(5) *Massage or bodywork centers*, as ~~defined~~ referenced in section ~~60.522~~ 65.413 of the Saint Paul Legislative Code.

(6) *Obscene and obscene work*, as defined in chapter 274 of this Code.

(7) *Remodel* means any reconstruction, alteration or repair that requires structural, plumbing, mechanical and/or electrical permits; changing the location of walls; expanding the area of the facility; substantially changing or expanding the character of the business. Remodel does not include replacing a piece of equipment with a like piece of equipment; replacing wall, floor or ceiling finishes; repositioning equipment; providing new equipment that does not significantly alter the character of the business. The director shall have discretion in determining when this section applies.

(8) *Massage ~~and~~ or bodywork practitioner* means a person who practices massage or bodywork as defined herein and conducts massage or bodywork services from a licensed massage or bodywork center, a licensed home location, or off-site massage or bodywork location, pursuant to chapter 412 of the Legislative Code. Off-site massage or bodywork location means any location where massage or bodywork services are incidental to the activities at the location. In an off-site massage or bodywork location, services do not represent a significant portion of the activity, services are incidental to the activities at the location and are infrequent. Off-site massage or bodywork service locations shall include, but not be limited to, businesses, and private homes, and other off-site locations and shall also include health/sports clubs licensed pursuant to chapter 427 of the Legislative Code and steam room/bath houses licensed pursuant to chapter 428 of the Legislative Code.

(9) *Solo massage center* shall mean a licensed location where a solo massage or bodywork practitioner offers and provides massage or bodywork services.

SECTION 2.

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Section 412.03 is hereby amended to read as follows:

Sec. 412.03. - License classification.

Massage or bodywork centers and solo massage centers shall require a Class A license and home locations shall require a Class B license.

SECTION 3.

Section 412.07 is hereby amended to read as follows:

Sec. 412.07. - Massage ~~and~~ or bodywork practitioners employed in the business.

The following provisions shall apply to massage or bodywork practitioners under the regulations of this chapter:

(1) No business licensed under this chapter shall employ or use any person as a massage or bodywork practitioner unless such person is licensed by the City of Saint Paul.

(2) Any person acting as a massage or bodywork practitioner in any such licensed business shall have his or her license or a true copy thereof displayed in a prominent place on the licensed premises.

(3) Massage or bodywork centers shall not discriminate on grounds of race, color, color, sex, national origin or ancestry in performing service offered by the licensed establishment.

(4) No massage or bodywork center for which a license has been granted by the city shall be open for business unless and until any massage or bodywork practitioners employed or contracted by the business have first complied with the licensing requirement of chapter 414.

SECTION 4.

Section 412.11 is hereby amended to read as follows:

Sec. 412.11. - Unlawful acts.

~~[~~It shall be unlawful for:~~]~~

(1) Anyone to engage in, conduct or carry on a massage or bodywork establishment without a valid license issued pursuant to this chapter.

(2) Anyone to administer a massage or bodywork in a licensed establishment or an off-site massage or bodywork location without a valid license issued pursuant to chapter 414 of this Code.

(3) Any person in a licensed massage or bodywork establishment or an off-site massage or bodywork location to place his or her hands upon, or touch with any part of his or her body, or to fondle in any manner, or to massage, the genital area of any other person.

(4) Any person in a licensed massage or bodywork establishment or an off-site massage or bodywork location to expose his or her genital area or any portion thereof to any other person, or to expose the genital area or any portion thereof of any other person.

(5) Any person, while in the presence of any other person in a licensed massage or bodywork establishment or an off-site massage or bodywork location, to fail to conceal with a fully opaque covering the genital area of his or her body.

(6) Any person owning, operating or managing a licensed massage or bodywork establishment or an off-site massage or bodywork location knowingly to cause, allow or permit in or about such licensed massage or bodywork establishment or off-site massage or bodywork location any agent, employee or any other person under his or her control or supervision to perform such acts prohibited in

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subparagraphs (1) through (6) of this section or any obscene act.

SECTION 5.

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.