



Legislation Text

File #: Ord 20-1, **Version:** 1

Amending Chapter 414 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 defines 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 414, Massage and Bodywork Practitioners, of the Legislative Code be amended to read as follows:

SECTION 1.

Section 414.01 is hereby amended to read as follows:

Sec. 414.01. - License required.

No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services being conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license.

Sec. 414.011. - Definitions.

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

Accredited school means a school accredited by a government agency or an organization recognized for conducting accreditation by a government agency responsible for accrediting schools.

Director means the director of the department of safety and inspections or his/her designee.

Licensed school means a private institution that offers occupational programs below the associate level and has obtained private career school licensure as required by Minnesota Statute.

Massage or bodywork services means a course of treatment in which the practitioner applies massage or bodywork techniques, with the intention of positively affecting the health and well-being of the client.

Massage or bodywork therapy means any method of applying pressure on, or friction against, or the rubbing, stroking, kneading, 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 a 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, 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. Beauticians, 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.

Massage or bodywork practitioner means a person who practices massage or bodywork therapy as defined here in 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 services means massage or bodywork services conducted away from a licensed massage or bodywork center or home location licensed under chapter 412 of the Legislative Code, but does not include solo massage centers.

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.

Solo massage center or Massage Center (Class A) - 1 Practitioner 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 414.03 is hereby amended to read as follows:

Sec. 414.03. - Licensing requirements.

(a) *Application.* A massage or bodywork practitioner applicant shall apply to the city for a license to provide services by paying the license fee specified in section 414.02 at the department of safety and inspections and by completing an application form prepared by the director of the department of safety and inspections. Such application shall include:

- (1) The name, age and address of the applicant;
- (2) The length of experience in this occupation and the past places of employment and position held;
- (3) A description of any crime or other offense, including the time, place, date and disposition, for which the applicant has been arrested and convicted; and
- (4) A statement as to whether the individual has had any license denied, revoked or suspended in the city or the state, the reason therefor and the business activity or occupation of the individual subsequent to such suspension, revocation or denial.

The license application shall thereafter be reviewed by the department of safety and inspections, Saint Paul Police Department, and such other departments as shall be deemed necessary. Such departments will thereafter submit their reports and recommendations to the director of the department of safety and inspections, who will consider all of the reports and recommendations of the other departments, and shall either grant or deny the license.

(b) *Educational requirements.*

- (1) Each applicant for a massage or bodywork practitioner license after May 1, 2017, shall furnish with the application one (1) of the following:
 - a. Proof of a valid Saint Paul massage practitioner license in the past 5 years: or
 - b. Proof of the ability to have been licensed as a massage practitioner in the City of Saint Paul based on successful completion of national certification examination(s) in therapeutic massage and bodywork as previously stipulated in Saint Paul City Ordinance; or
 - c. Proof of successful completion of a postsecondary course of study that included five hundred (500) contact hours at an accredited or licensed school.

(c) *Insurance.* Every application for a license shall be accompanied by proof of general and professional liability insurance executed by an insurance company authorized to do business in the state, in an amount to be determined by the risk manager pursuant to the Saint Paul Legislative Code. The insurance must require shall be conditioned that the insurer shall defend, and indemnify and hold the city and its officers, employees and agents harmless from and against all claims, damages or liability resulting from the grant or renewal of a license under this chapter, or operations or business of such license. All insurance policies hereunder shall provide for at least thirty (30) days' prior notice to the department of safety and inspections before the cancellation thereof is effective, and shall continue to provide coverage as to all matters arising during the term of the insurance policy whether or not later canceled.

- (d) A 14-day temporary massage or bodywork license may be obtained from the City, provided the applicant:
- (1) Has a current license from another municipality, county or state with license provisions substantially similar to those contained within this chapter, and
 - (2) Will be providing massage or bodywork services for a period of less than 15 days in a calendar year, and
 - (3) Provides proof of general and professional liability insurance.

SECTION 3.

Section 414.04 is hereby amended to read as follows:

Sec. 414.04. - Adverse action; grounds for denial, revocation or suspension. Denial of a license application, suspension or other adverse action upon, or revocation of an existing license, may occur under any of the following circumstances:

- (a) ~~It shall be grounds for denial of the application or for revocation or suspension of the license if the applicant or licensee is not complying with or has a history of violations of the laws and ordinances that apply to public health, safety and morals.~~
- (b) ~~It shall be grounds for the denial, revocation or suspension of the license if the licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premise, of any city ordinance or federal or state statute.~~
- (c) ~~It shall be grounds for the denial, revocation or suspension of the license if there is fraud or deception involved in the license application.~~
- (d) ~~It shall be grounds for the denial, revocation or suspension of the license if the licensee is found to be in control or possession of any alcoholic beverages or narcotic drugs and controlled substances on the premises for which they are licensed to operate, possession of which is illegal as defined by Minnesota Statutes or city ordinances.~~
- (e) ~~It shall be grounds for the denial, suspension or revocation of the license if the licensee has evidenced in~~

the past willful disregard for health codes and regulations.

- (f) ~~It shall be grounds for the denial, suspension or revocation of the license if the applicant fails to provide all the information and certificates required by this chapter.~~
- (g) ~~It shall be grounds for the denial, suspension or revocation of the license if the licensee shall refuses to permit any authorized police officers or authorized member of the department of safety and inspections to inspect the premises or the operations.~~
- (h) ~~It shall be grounds for the denial, suspension or revocation of the license if the licensee is found to be violating provisions of this chapter or of Chapter 412.~~

SECTION 4.

Section 414.041 is hereby amended to read as follows:

Sec. 414.041. - Sanitation; appointment calendar; rules and regulations.

- (a) *Sanitation.* All licensed massage or bodywork practitioners conducting off-site massage or bodywork services shall establish and maintain a supply storage facility containing any and all materials used in conducting off-site massage or bodywork services. The license inspector or his or her authorized representative shall have the right to enter and inspect the storage facility at all reasonable times. Rules as to required sanitation and storage shall be adopted in accordance with section 414.041(c) herein.
- (b) *Appointment calendar.* All licensed massage or bodywork practitioners shall keep a record of all off-site massage or bodywork services performed. The record shall be legible, written in ink and in the English language. It shall include the name of the massage or bodywork practitioner, the name of the person(s) receiving the massage or bodywork service, the address where the massage or bodywork service was performed and the date and time of such service. The record shall be maintained for a period of two (2) years from the date the massage or bodywork service was performed. Such record shall be open for inspection by the license inspector or his or her authorized representative at all reasonable times.
- (c) *Rules and regulations.* The director of the department of safety and inspections may, upon notice and hearing as provided herein, promulgate such rules as he or she deems necessary to carry out the provisions and purposes of this chapter, to protect the public health, to provide for safe and sanitary operation of licensed massage or bodywork centers, to provide for the safety of massage or bodywork and related massage or bodywork equipment, and for the proper training of persons employed in the operation of such massage or bodywork centers. Notice of the promulgation of such rules and the hearing date shall be given to all licensees and notice of the hearing date published once in the legal newspaper. Notice shall be given at least two weeks prior to the hearing. The notice shall advise that at the hearing written or oral comments on proposed rules will be received, and how a copy of the proposed rules can be obtained. Such rules shall be effective after such hearing when filed in the office of the city clerk. Violations of such rules shall be sufficient grounds for adverse action against licenses issued under this chapter.

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SECTION 5.

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