
By: Charles County Delegation

Introduced and read first time: February 16, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Massage Establishments - Licenses**

3 FOR the purpose of establishing a licensure process for the operation of massage
4 establishments in Charles County; authorizing the Director of Planning and Growth
5 Management in Charles County to issue licenses for massage establishments,
6 massage establishment managers, and massage practitioners; establishing certain
7 fees; establishing requirements for license applicants; authorizing the Director to
8 conduct certain investigations; authorizing the issuance of certain licenses under
9 certain circumstances; authorizing the Director to suspend, revoke, or deny the
10 renewal of licenses; establishing certain appeal procedures; establishing certain
11 required and prohibited activities; authorizing the Director to inspect certain
12 establishments; establishing the enforcement authority of the Director; establishing
13 certain penalties; defining certain terms; making provisions of this Act severable;
14 and generally relating to the regulation of massage establishments in Charles
15 County.

16 BY adding to

17 The Public Local Laws of Charles County
18 Section 255-1 through 255-15 to be under the new chapter "Chapter 255 Massage
19 Establishments"
20 Article 9 - Public Local Laws of Maryland
21 (1994 Edition and November 1995 Supplement, as amended)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 9 - Charles County**

25 CHAPTER 255

26 MASSAGE ESTABLISHMENTS

27 255-1.

28 (A) IN THIS CHAPTER THE FOLLOWING WORDS HAVE THE MEANINGS
29 INDICATED.

1 (B) "DIRECTOR" MEANS THE DIRECTOR OF PLANNING AND GROWTH
2 MANAGEMENT.

3 (C) "EROGENOUS AREA" MEANS FEMALE BREASTS, THE PUBIC AREAS, PENIS,
4 SCROTUM, VULVA, PERINEUM, OR ANUS.

5 (D) "MASSAGE" MEANS ANY METHOD OF TREATING THE EXTERNAL PARTS
6 OF THE HUMAN BODY FOR COMPENSATION, BY TOUCHING, RUBBING, STROKING,
7 KNEADING, COMPRESSING, TAPPING, OR VIBRATING WITH THE HAND, ARM, FOOT,
8 OR OTHER BODY PART, OR WITH ANY INSTRUMENT, WITH OR WITHOUT THE AID OF
9 HEAT, COLD, WATER, OR TOPICAL APPLICATIONS.

10 (E) (1) "MASSAGE ESTABLISHMENT" MEANS A BUSINESS ENTITY WITH A
11 FIXED PLACE OF BUSINESS WHERE MESSAGES ARE ADMINISTERED BY INDIVIDUALS
12 WHO ARE NOT LISTED IN § 255-2 AS EXEMPT FROM THE PROVISIONS OF THIS
13 CHAPTER.

14 (2) "MASSAGE ESTABLISHMENT" EXCLUDES BOTH THE BUSINESS
15 ENTITY AND ITS FIXED PLACE OF BUSINESS.

16 (F) "MASSAGE ESTABLISHMENT MANAGER" MEANS AN INDIVIDUAL WHO:

17 (1) WORKS IN OR FOR A MASSAGE ESTABLISHMENT AND PERFORMS
18 MANAGERIAL FUNCTIONS; AND

19 (2) INCLUDES AN INDIVIDUAL WHO OPERATES THE ESTABLISHMENT,
20 HANDLES CUSTOMERS' RECEIPTS, HIRES, DIRECTS, OR COMPENSATES EMPLOYEES,
21 OR PERFORMS ADMINISTRATIVE OR RECORD KEEPING FUNCTIONS.

22 (G) "MASSAGE PRACTITIONER" OR "PRACTITIONER" MEANS AN INDIVIDUAL
23 WHO ADMINISTERS A MESSAGE TO ANOTHER INDIVIDUAL FOR COMPENSATION.

24 (H) "MASSAGE THERAPIST" MEANS AN INDIVIDUAL WHO HAS:

25 (1) SUCCESSFULLY COMPLETED 500 HOURS OF TRAINING IN A MESSAGE
26 OR BODYWORK SCHOOL WITH A CURRICULUM APPROVED BY A PROFESSIONAL
27 ORGANIZATION RECOGNIZED BY THE DIRECTOR THAT PROVIDES OR CERTIFIES
28 MESSAGE TRAINING PROGRAMS;

29 (2) SUCCESSFULLY COMPLETED 200 HOURS OF TRAINING IN AN
30 APPROVED MESSAGE OR BODYWORK SCHOOL WITH A CURRICULUM APPROVED BY
31 A PROFESSIONAL ORGANIZATION RECOGNIZED BY THE DIRECTOR THAT PROVIDES
32 OR CERTIFIES MESSAGE TRAINING PROGRAMS; OR

33 (3) PASSED THE NATIONAL CERTIFICATION EXAMINATION IN
34 PROFESSIONAL MESSAGE AND BODYWORK ADMINISTERED BY THE NATIONAL
35 CERTIFICATION BOARD FOR BODYWORK AND MESSAGE THERAPIES.

36 (I) "APPROVED SCHOOL" MEANS A MESSAGE OR BODYWORK SCHOOL WHICH
37 IS APPROVED OR RECOGNIZED BY THE DIRECTOR.

3

1 255-2.

2 (A) THIS CHAPTER DOES NOT APPLY TO THE FOLLOWING HEALTH
3 PROVIDERS OR TO THE ESTABLISHMENTS IN WHICH THEY WORK:

4 (1) PHYSICIANS;

5 (2) CHIROPRACTORS;

6 (3) SPEECH PATHOLOGISTS;

7 (4) PHYSICAL OR OCCUPATIONAL THERAPISTS;

8 (5) PODIATRISTS;

9 (6) REGISTERED NURSES, PRACTICAL NURSES, OR NURSE
10 PRACTITIONERS; OR

11 (7) MASSAGE THERAPISTS AS DEFINED IN § 255-1 OF THIS CHAPTER.

12 (B) THIS CHAPTER DOES NOT APPLY TO TRAINERS OF ANY PROFESSIONAL
13 SPORTS FRANCHISE OR EDUCATIONAL INSTITUTION ATHLETIC TEAM OR TO THE
14 ESTABLISHMENTS IN WHICH THEY WORK.

15 (C) THIS CHAPTER DOES NOT APPLY TO COSMETOLOGISTS OR BARBERS
16 LICENSED BY THE STATE WHO ADMINISTER MESSAGES ONLY TO THE HANDS, FEET,
17 FACE, SCALP, NECK, OR SHOULDERS OR TO THE ESTABLISHMENTS IN WHICH THEY
18 WORK.

19 255-3.

20 (A) A PERSON MAY NOT OWN, CONDUCT, OR ENGAGE IN THE BUSINESS OF A
21 MASSAGE ESTABLISHMENT WITHOUT A VALID LICENSE ISSUED BY THE DIRECTOR
22 OF PLANNING AND GROWTH MANAGEMENT.

23 (B) AN INDIVIDUAL MAY NOT MANAGE A MASSAGE ESTABLISHMENT
24 WITHOUT A VALID LICENSE ISSUED BY THE DIRECTOR OF PLANNING AND GROWTH
25 MANAGEMENT UNDER THE PROVISIONS OF THIS CHAPTER.

26 (C) UNLESS EXEMPT UNDER § 255-2 OF THIS CHAPTER, A PERSON MAY NOT
27 ADMINISTER A MESSAGE WITHOUT A VALID LICENSE ISSUED UNDER THE
28 PROVISIONS OF THIS SUBTITLE.

29 255-4.

30 (A) A LICENSE TO OPERATE A MASSAGE ESTABLISHMENT MAY NOT BE
31 TRANSFERRED FROM ONE PERSON TO ANOTHER.

32 (B) A LICENSE TO OPERATE A MASSAGE ESTABLISHMENT MAY NOT BE
33 TRANSFERRED FROM ONE LOCATION TO ANOTHER LOCATION IN THE COUNTY
34 WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR.

35 (C) A MANAGER'S LICENSE MAY NOT BE TRANSFERRED FROM ONE
36 INDIVIDUAL TO ANOTHER.

4

1 (D) A PRACTITIONER'S LICENSE MAY NOT BE TRANSFERRED FROM ONE
2 INDIVIDUAL TO ANOTHER.

3 255-5.

4 (A) LICENSES ISSUED UNDER THIS CHAPTER SHALL BE ISSUED FOR A
5 CALENDAR YEAR.

6 (B) (1) LICENSE FEES ARE DUE ON APPLICATION FOR A NEW OR RENEWED
7 LICENSE.

8 (2) THE DIRECTOR MAY NOT REFUND OR PRORATE ANY LICENSE FEE
9 PROVIDED IN THIS SECTION.

10 (C) THE ANNUAL FEE FOR A MASSAGE ESTABLISHMENT LICENSE IS:

11 (1) FOR A MASSAGE ESTABLISHMENT WITH NOT MORE THAN THREE
12 MASSAGE PRACTITIONERS, \$1,000; AND

13 (2) FOR A MASSAGE ESTABLISHMENT WITH MORE THAN THREE
14 MASSAGE PRACTITIONERS, \$1,500.

15 (D) THE ANNUAL FEE FOR A MASSAGE PRACTITIONER LICENSE IS \$50.

16 (E) THE ANNUAL FEE FOR A MASSAGE ESTABLISHMENT MANAGER LICENSE
17 IS \$250.

18 255-6.

19 (A) AN APPLICANT FOR A MASSAGE ESTABLISHMENT LICENSE MAY BE AN
20 INDIVIDUAL, AN ASSOCIATION OR PARTNERSHIP, OR A CORPORATION.

21 (B) IF THE APPLICANT IS AN ASSOCIATION OR PARTNERSHIP, THE REQUIRED
22 APPLICATION INFORMATION SHALL BE PROVIDED FOR EACH ASSOCIATE OR
23 PARTNER.

24 (C) IF THE APPLICANT IS A CORPORATION, THE REQUIRED APPLICATION
25 INFORMATION SHALL BE PROVIDED FOR EACH OFFICER, DIRECTOR, AND IF THE
26 CORPORATION IS NOT A PUBLICLY TRADED CORPORATION, FOR EACH
27 STOCKHOLDER.

28 (D) IF ANOTHER CORPORATION, WHICH IS NOT PUBLICLY TRADED, OWNS 10%
29 OR MORE OF THE STOCK OF THE APPLICANT'S CORPORATION, THE REQUIRED
30 INFORMATION SHALL ALSO BE PROVIDED FOR EACH OFFICER, DIRECTOR, AND
31 STOCKHOLDER OF THE CORPORATION OWNING STOCK.

32 (E) EACH APPLICATION FOR A MASSAGE ESTABLISHMENT LICENSE SHALL BE
33 ON A FORM PROVIDED BY THE DIRECTOR AND SHALL CONTAIN:

34 (1) THE FULL NAME OF THE APPLICANT;

35 (2) THE APPLICANT'S RESIDENCE ADDRESS, AND RESIDENCE PHONE
36 NUMBER AT THE TIME OF THE APPLICATION AND FOR THE 3-YEAR PERIOD
37 PRECEDING THE DATE OF APPLICATION;

5

1 (3) THE APPLICANT'S BUSINESS ADDRESS AND BUSINESS PHONE
2 NUMBER AT THE TIME OF THE APPLICATION;

3 (4) IF THE APPLICANT IS A CORPORATION, THE NAME, BUSINESS
4 ADDRESS, AND RESIDENCE ADDRESS OF THE RESIDENT AGENT OF THE APPLICANT
5 CORPORATION;

6 (5) A COMPLETE SET OF FINGERPRINTS OF THE APPLICANT TAKEN BY
7 THE CHARLES COUNTY SHERIFF'S OFFICE;

8 (6) THE LOCATION AND MAILING ADDRESS OF THE PROPOSED
9 ESTABLISHMENT;

10 (7) A DESCRIPTION OF THE FACILITIES AND SERVICES TO BE OFFERED
11 OR AVAILABLE ON THE PREMISES;

12 (8) IF THE APPLICANT FOR A MASSAGE ESTABLISHMENT LICENSE IS
13 NOT THE OWNER OF THE PREMISES, A WRITTEN, NOTARIZED ACKNOWLEDGMENT
14 FROM THE OWNER OF THE PREMISES APPROVING THE USE OF THE PREMISES AS A
15 MASSAGE ESTABLISHMENT;

16 (9) THE HISTORY OF THE APPLICANT IN THE OPERATION OF MASSAGE
17 ESTABLISHMENTS, THE ADMINISTRATION OF MESSAGES, OR ANY SIMILAR BUSINESS
18 OR OCCUPATION, IN ANY JURISDICTION, INCLUDING WHETHER ANY PERMIT OR
19 LICENSE HAS BEEN DENIED, SUSPENDED, OR REVOKED AND THE REASON FOR THE
20 DENIAL, SUSPENSION, OR REVOCATION AND THE BUSINESS ACTIVITY OR
21 OCCUPATION OF THE APPLICANT SUBSEQUENT TO THE DENIAL, SUSPENSION, OR
22 REVOCATION;

23 (10) COPIES OF ANY MASSAGE RELATED LICENSES OR PERMITS FROM
24 OTHER JURISDICTIONS;

25 (11) COPIES OF MASSAGE-RELATED DIPLOMAS OR CERTIFICATES FROM
26 PROFESSIONAL ORGANIZATIONS RECOGNIZED BY THE DIRECTOR;

27 (12) THE CRIMINAL RECORD, IF ANY, OTHER THAN MISDEMEANOR
28 TRAFFIC VIOLATIONS, OF THE APPLICANT, INCLUDING, IF THE APPLICANT IS A
29 CORPORATION, THE APPLICANT'S OFFICERS, DIRECTORS, AND STOCKHOLDERS,
30 AND, IF THE APPLICANT IS A PARTNERSHIP OR ASSOCIATION, THE APPLICANT'S
31 ASSOCIATES AND PARTNERS;

32 (13) A NOTARIZED STATEMENT BY THE APPLICANT, OR IF THE
33 APPLICANT IS A CORPORATION, ASSOCIATION OR PARTNERSHIP, BY AN
34 AUTHORIZED OFFICER, ASSOCIATE OR PARTNER OF THE APPLICANT, ATTESTING TO
35 THE TRUTH OF THE INFORMATION PROVIDED IN THE APPLICATION;

36 (14) AUTHORIZATION FOR GOVERNMENTAL INSPECTION, INCLUDING
37 POLICE INSPECTION, OF THE PREMISES DURING THE APPLICATION PROCESS AND
38 WHILE THE LICENSE IS IN EFFECT UNDER § 255-13 OF THIS CHAPTER; AND

39 (15) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE
40 DIRECTOR TO MAKE A DECISION ON THE ISSUANCE OF A LICENSE UNDER THIS
41 CHAPTER.

6

1 (F) EACH APPLICATION SHALL BE ACCOMPANIED BY:

2 (1) AN APPLICATION FEE OF \$200, NO PART OF WHICH SHALL BE
3 REFUNDABLE; AND

4 (2) THE LICENSE FEE REQUIRED BY THIS CHAPTER.

5 (G) THE APPLICATION IS CONTINUING IN NATURE, AND THE APPLICANT
6 SHALL SUBMIT TO THE DIRECTOR, IN WRITING, ANY CHANGES IN INFORMATION ON
7 THE APPLICATION WITHIN 30 DAYS OF THE CHANGES.

8 255-7.

9 (A) EACH APPLICATION FOR A MESSAGE ESTABLISHMENT MANAGER
10 LICENSE SHALL BE ON THE FORM PROVIDED BY THE DIRECTOR AND SHALL
11 CONTAIN:

12 (1) THE APPLICANT'S NAME, RESIDENCE ADDRESS, AND TELEPHONE
13 NUMBER AT THE TIME OF THE APPLICATION AND FOR THE 3-YEAR PERIOD
14 PRECEDING THE DATE OF APPLICATION;

15 (2) THE APPLICANT'S BUSINESS ADDRESS AND BUSINESS PHONE
16 NUMBER AT THE TIME OF THE APPLICATION;

17 (3) THE LOCATION AND MAILING ADDRESS OF EACH MESSAGE
18 ESTABLISHMENT IN CHARLES COUNTY WHERE THE APPLICANT WILL BE WORKING;

19 (4) THE NAME OF THE PERSON WHO HOLDS THE CHARLES COUNTY
20 LICENSE TO OPERATE EACH MESSAGE ESTABLISHMENT WHERE THE APPLICANT
21 WILL BE WORKING;

22 (5) ALL TRAINING AND EXPERIENCE OF THE APPLICANT IN
23 ADMINISTERING MESSAGES AND MANAGING MESSAGE ESTABLISHMENTS,
24 INCLUDING, BUT NOT LIMITED TO, ANY LICENSES TO ADMINISTER MESSAGES OR TO
25 MANAGE OR OPERATE A MESSAGE ESTABLISHMENT AND DIPLOMAS OR
26 CERTIFICATES FROM PROFESSIONAL ORGANIZATIONS RECOGNIZED BY THE
27 DIRECTOR;

28 (6) THE NAMES AND ADDRESSES OF EACH MESSAGE ESTABLISHMENT
29 WHERE THE APPLICANT HAS BEEN EMPLOYED, AND THE DATES OF EMPLOYMENT;
30 PROVIDED THAT IF THE APPLICANT HAS NOT BEEN EMPLOYED BY A MESSAGE
31 ESTABLISHMENT, THE NAMES AND ADDRESSES OF THE APPLICANT'S EMPLOYERS
32 DURING THE 3 YEARS PRECEDING THE APPLICATION;

33 (7) THE CRIMINAL RECORD OF THE APPLICANT, IF ANY, OTHER THAN
34 MISDEMEANOR TRAFFIC OFFENSES;

35 (8) INFORMATION AS TO WHETHER ANY LICENSES TO ADMINISTER
36 MESSAGES OR MANAGE OR OPERATE A MESSAGE ESTABLISHMENT HAS
37 PREVIOUSLY BEEN DENIED, SUSPENDED, OR REVOKED AND, IF SO, THE
38 CIRCUMSTANCES OR REASONS FOR THE DENIAL, SUSPENSION, OR REVOCATION;

39 (9) A COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TAKEN BY
40 THE CHARLES COUNTY SHERIFF'S OFFICE;

7

1 (10) WRITTEN PROOF THAT THE APPLICANT IS AT LEAST 18 YEARS OLD;

2 (11) A CERTIFICATE FROM A LICENSED PHYSICIAN STATING THAT THE
3 PHYSICIAN, WITHIN 30 DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION,
4 EXAMINED THE APPLICANT AND THE APPLICANT IS FREE OF DISEASE
5 COMMUNICABLE BY RESPIRATION OR PHYSICAL CONTACT;

6 (12) THREE COLOR PHOTOGRAPHS OF THE APPLICANT, NOT MORE THAN
7 2 INCHES SQUARE, TAKEN BY THE OFFICE OF THE SHERIFF:

8 (I) ONE OF WHICH SHALL BE SEALED ON THE LICENSE;

9 (II) ONE OF WHICH SHALL BE MAINTAINED IN THE FILES OF THE
10 DEPARTMENT; AND

11 (III) ONE OF WHICH SHALL BE MAINTAINED, ALONG WITH FILES OF
12 LICENSED MASSAGE ESTABLISHMENTS AND MANAGERS BY THE CHARLES COUNTY
13 SHERIFF'S OFFICE;

14 (13) DOCUMENTATION SUPPORTING THE INDIVIDUAL'S LEGAL
15 AUTHORITY TO WORK IN THE UNITED STATES; AND

16 (14) A NOTARIZED STATEMENT BY THE APPLICANT ATTESTING TO THE
17 TRUTH OF THE INFORMATION PROVIDED ON THE APPLICATION.

18 (B) EACH APPLICATION SHALL BE ACCOMPANIED BY:

19 (1) AN APPLICATION FEE OF \$100, NO PART OF WHICH SHALL BE
20 REFUNDABLE; AND

21 (2) THE LICENSE FEE REQUIRED BY THIS CHAPTER.

22 (C) THE APPLICATION IS CONTINUING IN NATURE, AND THE APPLICANT
23 SHALL SUBMIT TO THE DIRECTOR, IN WRITING, ANY CHANGES IN INFORMATION ON
24 THE APPLICATION WITH 30 DAYS FROM THE DATE OF THE CHANGES.

25 255-8.

26 (A) EACH APPLICATION FOR A MASSAGE PRACTITIONER LICENSE SHALL BE
27 ON THE FORM PROVIDED BY THE DIRECTOR AND SHALL CONTAIN:

28 (1) THE FULL NAME OF THE APPLICANT;

29 (2) THE APPLICANT'S RESIDENCE ADDRESS, RESIDENCE PHONE
30 NUMBER AT THE TIME OF APPLICATION, AND FOR THE 3-YEAR PERIOD PRECEDING
31 THE DATE OF APPLICATION;

32 (3) THE APPLICANT'S BUSINESS ADDRESS AND BUSINESS PHONE
33 NUMBER AT THE TIME OF APPLICATION;

34 (4) A COMPLETE SET OF FINGERPRINTS OF THE APPLICANT TAKEN BY
35 THE CHARLES COUNTY SHERIFF'S OFFICE;

36 (5) THE LOCATION AND MAILING ADDRESS OF EACH MASSAGE
37 ESTABLISHMENT IN CHARLES COUNTY WHERE THE APPLICANT WILL BE WORKING;

8

1 (6) THE NAME OF THE PERSON WHO HOLDS THE CHARLES COUNTY
2 LICENSE TO OPERATE EACH MASSAGE ESTABLISHMENT WHERE THE APPLICANT
3 WILL BE WORKING;

4 (7) A DESCRIPTION OF THE APPLICANT'S TRAINING AND EXPERIENCE,
5 INCLUDING ANY LICENSES TO ADMINISTER MESSAGES OR TO MANAGE OR OPERATE
6 A MASSAGE ESTABLISHMENT OR DIPLOMAS OR CERTIFICATES FROM PROFESSIONAL
7 ORGANIZATIONS RECOGNIZED BY THE DIRECTOR;

8 (8) THE NAMES AND ADDRESSES OF EACH MASSAGE ESTABLISHMENT
9 WHERE THE APPLICANT HAS BEEN EMPLOYED, AND THE DATES OF EMPLOYMENT
10 PROVIDED THAT, IF THE APPLICANT HAS NOT BEEN EMPLOYED BY A MASSAGE
11 ESTABLISHMENT, THE NAMES AND ADDRESSES OF THE APPLICANT'S EMPLOYERS
12 DURING THE 3-YEARS PRECEDING THE DATE OF APPLICATION;

13 (9) INFORMATION REGARDING ANY MASSAGE RELATED PERMIT OR
14 LICENSE WHICH HAS BEEN DENIED, SUSPENDED, OR REVOKED, THE REASONS FOR
15 THE DENIAL, SUSPENSION, OR REVOCATION;

16 (10) THE APPLICANT SHALL INCLUDE THE CRIMINAL RECORD, IF ANY,
17 OTHER THAN MISDEMEANOR TRAFFIC VIOLATIONS;

18 (11) THE APPLICATIONS SHALL INCLUDE WRITTEN PROOF THAT THE
19 APPLICANT IS AT LEAST 18 YEARS OF AGE;

20 (12) A CERTIFICATE FROM A LICENSED PHYSICIAN, WITHIN 30 DAYS
21 IMMEDIATELY PRECEDING THE DATE OF APPLICATION, EXAMINED THE APPLICANT
22 AND THE APPLICANT IS FREE OF DISEASE COMMUNICABLE BY RESPIRATION OR
23 PHYSICAL CONTACT;

24 (13) THREE COLOR PHOTOGRAPHS OF THE APPLICANT, NOT MORE THAN
25 2 INCHES SQUARE, TAKEN BY THE OFFICE OF THE SHERIFF FOR CHARLES COUNTY:

26 (I) ONE OF WHICH SHALL BE SEALED ON THE LICENSE;

27 (II) ONE OF WHICH SHALL BE MAINTAINED IN THE FILES OF THE
28 DEPARTMENT; AND

29 (III) ONE OF WHICH SHALL BE MAINTAINED, TOGETHER WITH
30 FILES OF LICENSED MASSAGE ESTABLISHMENTS AND MANAGERS, BY THE CHARLES
31 COUNTY SHERIFF'S OFFICE;

32 (14) DOCUMENTATION SUPPORTING THE INDIVIDUAL'S LEGAL
33 AUTHORITY TO WORK IN THE UNITED STATES; AND

34 (15) A NOTARIZED STATEMENT BY THE APPLICANT ATTESTING TO THE
35 TRUTH OF THE INFORMATION PROVIDED ON THE APPLICATION.

36 (B) EACH APPLICATION SHALL BE ACCOMPANIED BY:

37 (1) AN APPLICATION FEE OF \$100, NO PART OF WHICH SHALL BE
38 REFUNDABLE; AND

39 (2) THE LICENSE FEE REQUIRED BY THIS CHAPTER.

9

1 (C) THE APPLICATION IS CONTINUING IN NATURE, AND THE APPLICANT
2 SHALL SUBMIT TO THE DIRECTOR, IN WRITING, ANY CHANGES IN INFORMATION ON
3 THE APPLICATION WITHIN 30 DAYS FROM THE DATE OF THE CHANGES.

4 255-9.

5 (A) ON RECEIPT OF THE APPLICATION AND FEE AS PROVIDED FOR IN THIS
6 CHAPTER, THE DIRECTOR SHALL MAKE A THOROUGH INVESTIGATION OF THE
7 APPLICANT, INCLUDING THE OFFICERS, DIRECTORS, AND STOCKHOLDERS OF
8 CORPORATE APPLICANTS AND THE ASSOCIATES AND PARTNERS OF ASSOCIATION
9 AND PARTNERSHIP APPLICANTS.

10 (B) (1) THE DIRECTOR SHALL FORWARD A COPY OF EACH APPLICATION
11 FOR LICENSE UNDER THIS CHAPTER TO THE CHARLES COUNTY SHERIFF'S OFFICE,
12 WHICH SHALL INVESTIGATE THE BACKGROUND AND CHARACTER OF THE
13 APPLICANT AND ALL ASSOCIATED PERSONS IDENTIFIED IN THE APPLICATION.

14 (2) THE OFFICE OF THE SHERIFF SHALL REPORT ITS FINDINGS TO THE
15 DIRECTOR.

16 (C) (1) THE DIRECTOR SHALL FORWARD A COPY OF EACH APPLICATION
17 FOR A MASSAGE ESTABLISHMENT LICENSE TO THE FIRE ADMINISTRATOR, THE
18 OFFICE OF PLANNING AND ZONING, AND THE HEALTH DEPARTMENT, WHICH SHALL
19 INSPECT THE PROPERTY TO DETERMINE WHETHER THE PREMISES AND PROPOSED
20 USE ARE IN COMPLIANCE WITH APPLICABLE FIRE CODES, ZONING, BUILDING
21 CODES, AND HEALTH LAWS.

22 (2) THE FIRE MARSHAL, OFFICE OF PLANNING AND ZONING, AND THE
23 HEALTH DEPARTMENT SHALL REPORT THEIR FINDINGS TO THE DIRECTOR.

24 255-10.

25 (A) AFTER REVIEWING THE APPLICATION, CHECKING THE BACKGROUND OF
26 THE APPLICANT, AND IN THE CASE OF AN APPLICATION FOR A MASSAGE
27 ESTABLISHMENT, AFTER INSPECTING THE PREMISES, THE DIRECTOR SHALL GRANT
28 THE LICENSE UNLESS:

29 (1) THE APPLICANT, OR AN OFFICER, DIRECTOR, OR STOCKHOLDER OF
30 A CORPORATE APPLICANT, OR AN OFFICER DIRECTOR, OR STOCKHOLDER OF ANY
31 CORPORATION HOLDING 10% OR MORE OF THE STOCK OF THE APPLICANT
32 CORPORATION, OR AN ASSOCIATE OR PARTNER OF AN ASSOCIATION OR
33 PARTNERSHIP APPLICANT HAS:

34 (I) VIOLATED ANY PROVISION OF THIS CHAPTER;

35 (II) FALSIFIED ANY PART OF THE APPLICATION OR ANY
36 INFORMATION IN THE APPLICATION;

37 (III) FAILED TO NOTIFY THE DIRECTOR WITHIN 30 DAYS OF ANY
38 CHANGES IN THE INFORMATION PROVIDED IN THE APPLICATION;

39 (IV) REFUSED A RIGHT OF ENTRY OR INSPECTION TO A PERSON
40 AUTHORIZED UNDER THIS TITLE; OR

10

1 (V) THE APPLICANT HAS BEEN CONVICTED OF:

2 1. CRIMINAL VIOLATIONS OF THE GAMBLING OR
3 NARCOTICS LAWS;

4 2. CRIMES INVOLVING VIOLENCE;

5 3. SEX OFFENSES OR PROSTITUTION-RELATED CRIMES,
6 INCLUDING, BUT NOT LIMITED TO SOLICITATION, ASSIGNATION, PANDERING,
7 COMMON NUISANCE, AND PROSTITUTION; OR

8 4. A CRIME OF MORAL TURPITUDE;

9 (2) ANY PERSON REFERRED TO IN PARAGRAPH (1) OF THIS SUBSECTION
10 IS UNDER 18 YEARS OLD;

11 (3) A PERSON MAKING APPLICATION FOR A MASSAGE PRACTITIONER'S
12 LICENSE IS UNQUALIFIED BY REASON OF LACK OF SUITABLE TRAINING OR
13 EXPERIENCE TO ADMINISTER MESSAGES;

14 (4) THE GRANTING OF THE LICENSE IS NOT NECESSARY FOR THE
15 ACCOMMODATION OF THE PUBLIC IN THE COMMUNITY PROPOSED AS THE
16 LOCATION OF THE MESSAGE ESTABLISHMENT;

17 (5) THE PREMISES AND PROPOSED USE ARE NOT IN COMPLIANCE WITH
18 APPLICABLE FIRE PREVENTION, ZONING, OR HEALTH LAWS; OR

19 (6) THE APPLICANT'S LICENSE TO OPERATE OR MANAGE OR TO GIVE
20 MESSAGES IN ANY JURISDICTION HAS BEEN DENIED, REVOKED, OR SUSPENDED.

21 (B) THE DIRECTOR SHALL HAVE ACCESS TO BOTH CONVICTION AND
22 NONCONVICTION CRIMINAL HISTORY RECORD INFORMATION IN PERFORMING THE
23 DIRECTOR'S DUTIES UNDER THIS CHAPTER.

24 255-11.

25 (A) THE DIRECTOR MAY SUSPEND, REVOKE, OR DENY THE RENEWAL OF ANY
26 LICENSE ISSUED UNDER THIS CHAPTER IF THE DIRECTOR FINDS THAT THE
27 APPLICANT, OR IF THE APPLICANT IS A CORPORATION, ANY OFFICER, DIRECTOR, OR
28 STOCKHOLDER OF A CORPORATE APPLICANT, OR AN OFFICER, DIRECTOR, OR
29 STOCKHOLDER OF ANY CORPORATION HOLDING 10% OR MORE OF THE STOCK OF
30 THE APPLICANT CORPORATION, OR AN ASSOCIATE OR PARTNER OF AN
31 ASSOCIATION OR PARTNERSHIP APPLICANT:

32 (1) VIOLATED ANY PROVISION OF THIS CHAPTER;

33 (2) FALSIFIED ANY PART OF THE APPLICATION ON WHICH LICENSE WAS
34 GRANTED UNDER THIS TITLE;

35 (3) FAILED TO NOTIFY THE DIRECTOR WITHIN 30 DAYS OF ANY
36 CHANGE IN THE INFORMATION PROVIDED IN THE APPLICATION FOR THE LICENSE;

37 (4) REFUSED A RIGHT OF ENTRY, INSPECTION, OR AUDIT TO A PERSON
38 AUTHORIZED UNDER THIS TITLE; OR

11

1 (5) HAS BEEN CONVICTED, PLACED ON PROBATION BEFORE
2 JUDGMENT, OR HELD LIABLE FOR:

3 (I) ANY VIOLATION OF THIS CHAPTER;

4 (II) CRIMINAL VIOLATIONS OF ANY GAMBLING OR NARCOTICS
5 LAW;

6 (III) CRIMES INVOLVING VIOLENCE;

7 (IV) SEX OFFENSES OR PROSTITUTION-RELATED CRIMES,
8 INCLUDING, BUT NOT LIMITED TO, SOLICITATION, ASSIGNATION, PANDERING,
9 COMMON NUISANCE, AND PROSTITUTION;

10 (V) ANY CRIME OF MORAL TURPITUDE;

11 (6) HAS HAD A LICENSE TO OPERATE OR MANAGE OR TO GIVE
12 MESSAGES IN ANY JURISDICTION DENIED, REVOKED, OR SUSPENDED;

13 (7) THE PREMISES DO NOT MEET THE COUNTY'S HEALTH, ZONING,
14 FIRE, AND BUILDING CODE REQUIREMENTS;

15 (8) THE APPLICANT HAS ALLOWED THE ESTABLISHMENT TO BE
16 MANAGED BY AN INDIVIDUAL WHO DOES NOT HOLD A VALID CHARLES COUNTY
17 MANAGER'S LICENSE; OR

18 (9) THE APPLICANT HAS ALLOWED THE ADMINISTRATION OF
19 MESSAGES FOR COMPENSATION BY AN INDIVIDUAL WHO DOES NOT HOLD A VALID
20 CHARLES COUNTY PRACTITIONER'S LICENSE AND WHO IS NOT OTHERWISE EXEMPT
21 FROM THE PROVISIONS OF THIS CHAPTER.

22 (B) THE DIRECTOR SHALL HAVE ACCESS TO BOTH CONVICTION AND
23 NONCONVICTION CRIMINAL HISTORY RECORD INFORMATION IN PERFORMING THE
24 DIRECTOR'S DUTIES UNDER THIS CHAPTER.

25 255-12.

26 (A) (1) IF THE DIRECTOR PROPOSES TO DENY AN APPLICATION FOR A
27 LICENSE OR TO SUSPEND OR REVOKE A LICENSE, THE DIRECTOR SHALL NOTIFY
28 THE LICENSEE OR APPLICANT BY A CERTIFIED LETTER OR BY PERSONAL PROCESS
29 INDICATING THE DIRECTOR'S PROPOSED ACTION AND THE REASONS FOR IT.

30 (2) THE LETTER SHALL INDICATE THAT THE APPLICANT OR LICENSEE
31 MAY PRESENT ARGUMENTS AGAINST THE DIRECTOR'S PROPOSED ACTION AT A
32 HEARING.

33 (3) THE LETTER SHALL INDICATE THE TIME, DATE, AND PLACE OF THE
34 HEARING, WHICH SHALL BE NO SOONER THAN 5 BUSINESS DAYS AFTER THE
35 CERTIFIED LETTER WAS MAILED OR THE APPLICANT OR LICENSEE WAS SERVED BY
36 PERSONAL PROCESS.

37 (B) (1) WITHIN 45 DAYS OF THE HEARING, THE DIRECTOR SHALL ISSUE A
38 WRITTEN DECISION AND ORDER INDICATING THE FINAL DECISION REGARDING
39 THE PROPOSED DENIAL, SUSPENSION, OR REVOCATION OF THE LICENSE.

12

1 (2) THE DIRECTOR SHALL SEND A COPY OF THE DECISION TO THE
2 APPLICANT OR LICENSEE.

3 (C) AN APPLICANT OR LICENSEE AGGRIEVED BY THE DECISION AND ORDER
4 OF THE DIRECTOR TO DENY, SUSPEND, OR REVOKE A LICENSE MAY APPEAL THE
5 DECISION TO THE BOARD OF APPEALS UNDER THE PROCEDURES OF THAT BOARD.

6 255-13.

7 (A) (1) IT IS THE RESPONSIBILITY OF THE OWNER OF THE MASSAGE
8 ESTABLISHMENT TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

9 (2) IF THE OWNER OF THE MASSAGE ESTABLISHMENT DELEGATES
10 DUTIES TO A MANAGER, THE MANAGER AND THE OWNER ARE RESPONSIBLE FOR
11 CARRYING OUT THE REQUIREMENTS OF THIS SECTION.

12 (B) EACH MASSAGE ESTABLISHMENT SHALL HAVE A LEGIBLE SIGN POSTED
13 AT THE MAIN ENTRANCE IDENTIFYING THE PREMISES AS A MASSAGE
14 ESTABLISHMENT WITH THE WORDS "LICENSED MASSAGE ESTABLISHMENT".

15 (C) EACH MASSAGE ESTABLISHMENT SHALL DISPLAY IN A LOCATION VISIBLE
16 TO PERSONS ENTERING THE ESTABLISHMENT:

17 (1) THE LICENSE ISSUED TO THE ESTABLISHMENT UNDER THIS
18 CHAPTER AND TO EACH PRACTITIONER AND MANAGER EMPLOYED BY THE
19 ESTABLISHMENT; AND

20 (2) A COPY OF THIS CHAPTER.

21 (D) ALL WALLS, CEILINGS, FLOORS, POOLS, SHOWERS, STEAM ROOMS, HAND
22 BASINS, BATHS, SPAS, AND OTHER PHYSICAL FACILITIES OF A MASSAGE
23 ESTABLISHMENT SHALL BE IN GOOD REPAIR AND MAINTAINED IN A CLEAN AND
24 SANITARY CONDITION.

25 (E) MASSAGE ESTABLISHMENT FACILITIES SHALL HAVE AT LEAST ONE HAND
26 BASIN WITH HOT AND COLD RUNNING WATER IN EACH ROOM IN WHICH MESSAGES
27 ARE ADMINISTERED.

28 (F) A MASSAGE PRACTITIONER SHALL CLEANSE HIS OR HER HANDS
29 THOROUGHLY WITH SOAP AND HOT RUNNING WATER IMMEDIATELY BEFORE
30 ADMINISTERING EACH MESSAGE.

31 (G) NO PERSON MAY RESIDE IN A MASSAGE ESTABLISHMENT.

32 (H) (1) ALL EMPLOYEES AND PRACTITIONERS SHALL AT ALL TIMES WEAR
33 OPAQUE CLOTHING WHICH COMPLETELY COVERS THEIR TRUNK AND EROGENOUS
34 AREAS.

35 (2) EMPLOYEES AND PRACTITIONERS MAY NOT UNCOVER THEIR
36 EROGENOUS AREAS AND SHALL WEAR VISIBLE NAME TAGS AT ALL TIMES.

37 (I) THE EROGENOUS AREAS OF THE CUSTOMER SHALL REMAIN COVERED
38 AT ALL TIMES.

13

1 (J) A PERSON MAY NOT:

2 (1) MESSAGE OR OFFER TO MESSAGE THE EROGENOUS AREAS OF A
3 CUSTOMER; OR

4 (2) VIOLATE ANY PROVISION OF THIS TITLE.

5 (K) NO PROSTITUTION-RELATED ACTIVITIES, INCLUDING BUT NOT LIMITED
6 TO, SOLICITATION, ASSIGNATION, PANDERING, COMMON NUISANCE, OR
7 PROSTITUTION ARE ALLOWED IN THE MESSAGE ESTABLISHMENT.

8 (L) A MESSAGE ESTABLISHMENT MAY NOT CAUSE, ENCOURAGE, OR ALLOW:

9 (1) THE ADMINISTRATION OF A MESSAGE OR THE OPERATION OR
10 MANAGEMENT OF A MESSAGE ESTABLISHMENT BY A PERSON NOT LICENSED
11 UNDER THIS CHAPTER; OR

12 (2) ANY PERSON IN ITS EMPLOY OR OPERATING AS ITS AGENT OR ON
13 ITS PREMISES TO VIOLATE ANY PROVISION OF THIS CHAPTER.

14 (M) (1) A MESSAGE ESTABLISHMENT SHALL MAINTAIN A REGISTRY OF THE
15 NAMES, RESIDENCE ADDRESSES, AND DESCRIPTION AND DATES OF SERVICES
16 PROVIDED TO CUSTOMERS OF THE ESTABLISHMENT.

17 (2) THE ESTABLISHMENT SHALL REQUIRE EVERY CUSTOMER TO
18 PRESENT POSITIVE IDENTIFICATION AND TO SIGN THE REGISTRY.

19 255-14.

20 (A) THE DIRECTOR SHALL PERIODICALLY INSPECT THE PREMISES OF EVERY
21 MESSAGE ESTABLISHMENT AND OTHER BUSINESS OFFERING OR PERFORMING
22 MESSAGES TO ENSURE COMPLIANCE WITH THIS CHAPTER.

23 (B) (1) THE DIRECTOR, THE CHARLES COUNTY SHERIFF, THE LAPLATA
24 TOWN CHIEF OF POLICE, THE CHARLES COUNTY FIRE MARSHAL, THE CHARLES
25 COUNTY PLANNING AND ZONING OFFICER, THE CHARLES COUNTY HEALTH
26 OFFICER, AND THEIR AUTHORIZED REPRESENTATIVES, ON THE EXHIBITING OF
27 PROPER CREDENTIALS ON REQUEST, MAY ENTER ANY MESSAGE ESTABLISHMENT
28 WITHOUT THE CONSENT OF THE OWNER OR OCCUPANT AT ANY TIME DURING
29 BUSINESS OR OPERATING HOURS FOR THE PURPOSE OF PERFORMING THEIR
30 DUTIES UNDER THIS SUBTITLE OR TO ENFORCE ITS PROVISIONS.

31 (2) THE PREMISES MAY BE INSPECTED OUTSIDE OF BUSINESS OR
32 OPERATING HOURS AS MAY BE NECESSARY IN ANY SITUATION THAT MAY POSE AN
33 IMMEDIATE THREAT TO LIFE, PROPERTY, OR PUBLIC SAFETY.

34 (C) PERSONS AUTHORIZED TO INSPECT THE PREMISES SHALL BE ADMITTED
35 IMMEDIATELY UPON REQUEST.

36 (D) INSPECTORS MAY ENTER A ROOM OR CUBICLE IN WHICH A CUSTOMER IS
37 OR IS PRESUMED TO BE CURRENTLY RECEIVING A MESSAGE ONLY AFTER
38 KNOCKING ON THE DOOR, IF THERE IS A DOOR, AND VERBALLY IDENTIFYING
39 THEMSELVES BY THEIR NAME AND JOB TITLE AND ANNOUNCING THEY ARE ABOUT
40 TO ENTER FOR THE PURPOSE OF INSPECTING THE ROOM OR CUBICLE.

14

1 (E) IF THE DIRECTOR, THE SHERIFF, THE CHIEF OF POLICE, THE FIRE
2 ADMINISTRATOR, THE PLANNING AND ZONING OFFICER, THE HEALTH OFFICER, OR
3 THEIR AUTHORIZED REPRESENTATIVES, ARE DENIED ENTRY INTO ANY MASSAGE
4 ESTABLISHMENT AT ANY REASONABLE TIME, THE DIRECTOR SHALL IMMEDIATELY
5 SUSPEND THE LICENSE OF THE MASSAGE ESTABLISHMENT.

6 (F) THIS SECTION DOES NOT RESTRICT OR LIMIT THE RIGHT OF ENTRY
7 VESTED IN ANY LAW ENFORCEMENT AGENCY.

8 (G) (1) THE DIRECTOR MAY AT ANY TIME REQUEST TO INSPECT AND AUDIT
9 THE CUSTOMER REGISTRY AND FINANCIAL BOOKS AND RECORDS OF ANY MASSAGE
10 ESTABLISHMENT OR OTHER BUSINESS THAT PERFORMS MESSAGES.

11 (2) THE DIRECTOR SHALL GIVE AT LEAST 24 HOURS WRITTEN NOTICE
12 TO THE OWNER OF A MASSAGE ESTABLISHMENT OF THE INTENT TO AUDIT THE
13 BOOKS AND RECORDS.

14 (3) THE NOTICE SHALL STATE THE DATE, TIME, AND PLACE OF THE
15 AUDIT.

16 (4) IF THE OWNERS OR OPERATORS OF THE MASSAGE ESTABLISHMENT
17 REFUSE A REQUEST BY THE DIRECTOR TO INSPECT AND AUDIT ITS RECORDS OR
18 BOOKS UNDER THIS PARAGRAPH, THE DIRECTOR SHALL IMMEDIATELY SUSPEND
19 THE LICENSE OF THE MASSAGE ESTABLISHMENT.

20 255-15.

21 (A) (1) THE DIRECTOR SHALL ORDER AN UNLICENSED MASSAGE
22 ESTABLISHMENT TO CLOSE IMMEDIATELY.

23 (2) THE MASSAGE ESTABLISHMENT MAY NOT BE REOPENED UNTIL THE
24 ESTABLISHMENT, ITS MANAGER, AND ITS PRACTITIONERS ARE LICENSED UNDER
25 THIS CHAPTER.

26 (B) THE DIRECTOR SHALL ORDER THAT AN UNLICENSED MANAGER OR AN
27 UNLICENSED PRACTITIONER MAY NO LONGER WORK IN A MASSAGE
28 ESTABLISHMENT UNTIL THE INDIVIDUAL IS LICENSED UNDER THIS CHAPTER.

29 (C) UPON CLOSING AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS
30 SECTION, THE DIRECTOR SHALL POST A NOTICE ON THE PREMISES OF THE
31 ESTABLISHMENT STATING THAT IT IS CLOSED FOR LACK OF LICENSING AND THAT IT
32 MAY REOPEN WHENEVER THE DEPARTMENT ISSUES A LICENSE.

33 (D) (1) IF AN EMPLOYEE OF ANY INSPECTING OR ENFORCEMENT AGENCY
34 REPORTS A VIOLATION OF § 255-13 TO THE DIRECTOR OR THE SHERIFF OF CHARLES
35 COUNTY, THE DIRECTOR SHALL NOTIFY THE HOLDER OF THE MASSAGE
36 ESTABLISHMENT LICENSE THAT A HEARING WILL BE HELD WITHIN 5 BUSINESS DAYS
37 TO CONSIDER SUSPENDING THE LICENSE OF THE ESTABLISHMENT OR TO CONSIDER
38 REVOKING THE LICENSE AND ORDER THE ESTABLISHMENT CLOSED.

39 (2) IF THE REPORTED VIOLATION INVOLVES A MANAGER OR A
40 PRACTITIONER, THE DIRECTOR SHALL ALSO NOTIFY THE INDIVIDUAL THAT A

15

1 HEARING WILL BE HELD WITHIN 5 BUSINESS DAYS TO CONSIDER SUSPENDING OR
2 REVOKING THE INDIVIDUAL'S LICENSE.

3 (3) THE DIRECTOR SHALL INDICATE THE TIME, DATE, AND PLACE OF
4 THE HEARING AND THE REASONS FOR THE PROPOSED SUSPENSION OR
5 REVOCATION.

6 (E) A PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER IS GUILTY
7 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT TO EXCEED
8 \$1,000 OR IMPRISONMENT NOT TO EXCEED 6 MONTHS, OR BOTH.

9 (F) (1) THE DIRECTOR MAY ENFORCE THE PROVISIONS OF THIS CHAPTER
10 THROUGH INJUNCTIVE PROCEEDINGS, ACTION FOR SPECIFIC PERFORMANCE, OR
11 ANY OTHER APPROPRIATE PROCEEDING.

12 (2) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS
13 SUBJECT TO CIVIL FINES AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

14 (3) (I) A LICENSEE SHALL BE SUBJECT TO A CIVIL FINE OF \$500 PER
15 DAY FOR EACH DAY THAT THE LICENSEE OPERATES IN VIOLATION OF AN ORDER
16 SUSPENDING OR REVOKING ITS LICENSE.

17 (II) THE COURT MAY IMPOSE THESE FINES AS ANCILLARY RELIEF
18 IN THE INJUNCTIVE PROCEEDINGS OR AS DAMAGES IN SEPARATE CIVIL
19 PROCEEDINGS.

20 (G) THE REMEDIES AVAILABLE TO THE COUNTY AND THE DIRECTOR UNDER
21 THIS CHAPTER ARE CUMULATIVE AND NOT EXCLUSIVE.

22 (H) AFTER EXHAUSTION OF THE REMEDIES PROVIDED IN THIS CHAPTER, A
23 PERSON AGGRIEVED BY A DECISION OF THE DIRECTOR MAY APPEAL THE DECISION
24 TO THE COUNTY BOARD OF APPEALS.

25 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
26 Act or the application thereof to any person or circumstance is held invalid for any reason
27 in a court of competent jurisdiction, the invalidity does not affect other provisions or any
28 other application of this Act which can be given effect without the invalid provision or
29 application, and for this purpose the provisions of this Act are declared severable.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.