A BILL ENTITLED

AN ORDINANCE concerning: Licenses and Registrations – Massage Therapy Establishments

FOR the purpose of establishing a massage therapy establishment license requirement; designating the authority to administer and enforce the licensing provisions; adding certain definitions; establishing the term of a license; adding an application process for a license; prohibiting violations of the licensing requirements; allowing enforcement under certain circumstances; allowing fines for violations; and generally relating to licenses and registrations.

BY repealing and reenacting, with amendments: § 11-1-102
Anne Arundel County Code (2005, as amended)

BY adding: §§ 11-9A-101 through 11-9A-105 to be under the new title “9A. Massage Therapy Establishment”
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law. [Brackets] indicate matter stricken from existing law. Captions and taglines in bold in this bill are catchwords and are not law.
ARTICLE 11. LICENSES AND REGISTRATIONS

TITLE 1. DEFINITIONS; GENERAL PROVISIONS

11-1-102. Administration.

The Director and the Department shall administer and enforce the provisions of this article, except that:

(1) PROVISIONS RELATING TO MASSAGE THERAPY ESTABLISHMENTS SHALL BE ADMINISTERED AND ENFORCED AS PROVIDED IN TITLE 9A;

(2) provisions relating to multiple dwellings and rooming houses shall be administered and enforced as provided in Title 10[.];

(3) provisions relating to nonconsensual towing companies and parking lot owners shall be administered and enforced as provided in Title 16[.]; and

(4) [the Health Officer and the Health Department shall administer and enforce the provisions relating to fires, food service facilities, and swimming pools SHALL BE ADMINISTERED AND ENFORCED BY THE HEALTH OFFICER AND THE HEALTH DEPARTMENT.]

TITLE 9A. MASSAGE THERAPY ESTABLISHMENTS


IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) UNLESS OTHERWISE SPECIFIED IN THIS TITLE, “DEPARTMENT” MEANS THE DEPARTMENT OF INSPECTION AND PERMITS.

(2) “LICENSE” MEANS A MASSAGE THERAPY ESTABLISHMENT LICENSE ISSUED UNDER THIS TITLE, AS AUTHORIZED BY § 6-405 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE, UNLESS OTHERWISE INDICATED.

(3) “MASSAGE THERAPY” HAS THE MEANING STATED IN § 6-101 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE.

(4) “MASSAGE THERAPY ESTABLISHMENT” MEANS:

(I) A LOCATION WHERE ONE OR MORE PERSONS ARE OFFERING, PURPORTING TO OFFER, HOLDING THEMSELVES OUT AS PROVIDING, OR ADMINISTERING MASSAGE THERAPY ONSITE OR OFFSITE; OR

(II) ONE OR MORE PERSONS OFFERING, OVERSEEING, OR SENDING A PERSON OR PERSONS TO OFFER, PROVIDE, OR ADMINISTER MASSAGE THERAPY AT A CLIENT’S RESIDENCE OR OTHER LOCATION IN THE COUNTY SELECTED BY A CLIENT, WHETHER OR NOT OPERATING FROM A FIXED LOCATION, EXCEPT FOR A PERSON LICENSED OR REGISTERED UNDER § 6-301 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE WHO IS OPERATING AS A SOLE PRACTITIONER AND ENGAGING IN MASSAGE THERAPY ONLY AT THE LICENSEE’S RESIDENCE OR AT A CLIENT’S RESIDENCE OR OTHER LOCATION SELECTED BY A CLIENT.
(III) “MASSAGE THERAPY ESTABLISHMENT” DOES NOT INCLUDE A LOCATION WHERE ALL OF THE INDIVIDUALS PROVIDING MASSAGE THERAPY ARE NOT REQUIRED TO HAVE A LICENSE OR REGISTRATION UNDER § 6–301 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE.

11-9A-102. License required.

A PERSON MAY NOT OWN, OPERATE, OR MANAGE A MASSAGE THERAPY ESTABLISHMENT WITHOUT A LICENSE ISSUED BY THE DEPARTMENT. A SEPARATE LICENSE IS REQUIRED FOR EACH MASSAGE THERAPY ESTABLISHMENT.

11-9A-103. Massage therapy establishment license.

(A) Term; renewal. A LICENSE ISSUED UNDER THIS TITLE SHALL EXPIRE ON DECEMBER 31 IN THE FIFTH YEAR FOLLOWING ISSUANCE. A LICENSEE SHALL APPLY TO RENEW THE LICENSE PRIOR TO ITS EXPIRATION.

(B) Application.

(1) AN APPLICATION FOR A LICENSE SHALL INCLUDE:

(I) THE NAMES AND ADDRESSES OF THE APPLICANT AND ALL OWNERS, OPERATORS, AND MANAGERS OF THE MASSAGE THERAPY ESTABLISHMENT;


(III) THE NAMES AND ADDRESSES OF ALL PERSONS PROVIDING MASSAGE THERAPY AT THE MASSAGE THERAPY ESTABLISHMENT; AND

(IV) COPIES OF ALL LICENSES AND REGISTRATIONS FOR PERSONS IDENTIFIED IN SUBPARAGRAPH (III).

(2) THE APPLICANT SHALL REPORT ANY CHANGES TO THE INFORMATION CONTAINED IN THE APPLICATION TO THE DIRECTOR IN WRITING WITHIN 30 DAYS OF THOSE CHANGES.

(C) Fees. THE FEE FOR A MASSAGE THERAPY ESTABLISHMENT LICENSE AND EACH RENEWAL IS $25.

(D) Issuance. A MASSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE ISSUED IF THE APPLICANT HAS PROVIDED ALL INFORMATION REQUIRED BY THIS SECTION, HAS PAID THE FEE, AND IS OTHERWISE IN COMPLIANCE WITH ALL PROVISIONS OF THIS TITLE.

(E) Display of license. A MASSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE DISPLAYED CONSPICUOUSLY IN A PUBLIC AREA OF THE MASSAGE THERAPY ESTABLISHMENT.

(F) Transfer. A LICENSE IS NON-TRANSFERRABLE TO ANOTHER PERSON OR LOCATION.

(G) Suspension; revocation. THE DEPARTMENT MAY SUSPEND OR REVOKE A LICENSE FOR ANY VIOLATION OF TITLE 1 OF THIS ARTICLE OR THIS TITLE BY A LICENSEE, OR ANY AGENT OR EMPLOYEE OF A LICENSEE.
11-9A-104. Violations; enforcement.

(A) Persons not authorized to administer massage therapy. A LICENSEE, OWNER, OPERATOR, OR MANAGER OF A MASSAGE THERAPY ESTABLISHMENT MAY NOT AUTHORIZE OR PERMIT THE ADMINISTRATION OF MASSAGE THERAPY BY A PERSON NOT AUTHORIZED TO ADMINISTER MASSAGE THERAPY UNDER TITLE 6 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE.

(B) Property owner. THE OWNER OF REAL PROPERTY WHERE A MASSAGE THERAPY ESTABLISHMENT IS LOCATED MAY NOT ALLOW A MASSAGE THERAPY ESTABLISHMENT TO OPERATE IN VIOLATION OF THIS TITLE.

(C) Notice; enforcement against a property owner. THE POLICE DEPARTMENT SHALL NOTIFY THE OWNER OF THE REAL PROPERTY WHERE A MASSAGE THERAPY ESTABLISHMENT IS LOCATED IF A MASSAGE THERAPY ESTABLISHMENT IS OPERATED IN VIOLATION OF THIS TITLE. IF THE VIOLATION REMAINS 30 DAYS AFTER THE DATE OF THE NOTICE FROM THE POLICE DEPARTMENT, THE PROPERTY OWNER SHALL BE SUBJECT TO ENFORCEMENT AND FINES UNDER THIS TITLE.

(D) Enforcement prohibited. THE COUNTY MAY NOT ENFORCE THE PROVISIONS OF SUBSECTION (C) AGAINST A PROPERTY OWNER IF THE PROPERTY OWNER COMMENCES PROCEEDINGS FOR BREACH OF LEASE UNDER § 8-402.1 OF THE REAL PROPERTY ARTICLE OF THE STATE CODE BASED ON A VIOLATION OF THIS TITLE.

(E) Enforcement. EXCEPT AS OTHERWISE PROHIBITED IN SUBSECTION (D), THE COUNTY MAY ENFORCE THE PROVISIONS OF THIS TITLE AGAINST THE PERSON OPERATING, OWNING, OR MANAGING A MASSAGE THERAPY ESTABLISHMENT, OR AGAINST A PROPERTY OWNER, THROUGH ANY APPROPRIATE COURT PROCEEDINGS AND MAY SEEK ANY APPROPRIATE FORMS OF RELIEF TO RESTRAIN OR CORRECT A VIOLATION OF THIS TITLE, INCLUDING ABATEMENT AND INJUNCTIVE PROCEEDINGS.


A VIOLATION OF THIS TITLE IS A CLASS C CIVIL OFFENSE, PUNISHABLE BY CIVIL FINE AS PROVIDED IN § 9-2-101 OF THIS CODE.

SECTION 2. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law.

READ AND PASSED this 6th day of September, 2022

By Order:

Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 7th day of September, 2022

Laura Corby
Administrative Officer
APPROVED AND ENACTED this 16th day of September, 2022

Steuart Pittman
County Executive

EFFECTIVE DATE: October 31, 2022

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 76-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

Laura Corby
Administrative Officer