

PROPOSED

AMENDED
September 17, 2018

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 33

Bill No. 69-18

Introduced by Mr. Smith

By the County Council, July 2, 2018

Introduced and first read on July 2, 2018
Public Hearing set for and held on September 4, 2018
Bill AMENDED on September 17, 2018
Public Hearing on AMENDED bill set for October 1, 2018
Bill Expires October 5, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Massage Establishments

2
3 FOR the purpose of defining certain terms; providing for right of entry for ~~police~~ the Health
4 Officer to public areas in massage establishments for purposes of inspection; requiring
5 posting of State licenses for individuals or businesses offering massage; establishing
6 penalties for failure to comply with County requirements; and generally relating to
7 public safety.

8
9 By adding: § 12-6-107
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

14 15 ARTICLE 12. PUBLIC SAFETY

16 17 TITLE 6. MISCELLANEOUS PROVISIONS

18 19 12-6-107. **Massage establishments.**

20
21 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

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.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 ~~(1) "CHIEF" MEANS THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE.~~

2
3 (1) "HEALTH OFFICER" MEANS THE ANNE ARUNDEL COUNTY HEALTH OFFICER OR
4 A DESIGNEE FROM THE DEPARTMENT OF HEALTH.

5
6 (2) "DEPARTMENT" MEANS THE ANNE ARUNDEL COUNTY ~~POLICE~~ HEALTH
7 DEPARTMENT.

8
9 (3) "MASSAGE" MEANS THE MANIPULATION OF TISSUES INCLUDING, BUT NOT
10 LIMITED TO, BY RUBBING, KNEADING, OR TAPPING WITH THE HAND OR AN INSTRUMENT.
11 "MASSAGE" SHALL INCLUDE MASSAGE THERAPY AS DEFINED IN SECTION 6-101 OF THE
12 HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE.

13
14 (4) "MASSAGE ESTABLISHMENT" MEANS A BUSINESS ENTITY:

15
16 (I) WHERE ONE OR MORE PERSONS HOLD THEMSELVES OUT AS PROVIDING
17 MASSAGE;

18
19 (II) THAT ADVERTISES, OFFERS, OR ADMINISTERS MASSAGE, PROVIDED BY ONE
20 OR MORE INDIVIDUALS; OR

21
22 (III) WHERE IT IS REASONABLY BELIEVED THAT ONE OR MORE INDIVIDUALS
23 ARE PROVIDING MASSAGE.

24
25 (IV) "MASSAGE ESTABLISHMENT" DOES NOT INCLUDE A MASSAGE PRACTICE
26 AS A HOME OCCUPATION UNDER § 18-10-128 OF THIS CODE.

27
28 **(B) Right of entry; proof of State license.** UPON PROVIDING PROPER CREDENTIALS,
29 THE ~~CHIEF~~ HEALTH OFFICER MAY ENTER THE PUBLIC AREAS OF A MASSAGE
30 ESTABLISHMENT DURING BUSINESS OR OPERATING HOURS TO ENSURE COMPLIANCE
31 WITH § 6-301 ET SEQ. OF THE HEALTH-OCCUPATIONS ARTICLE OF THE STATE CODE. A
32 PERSON MAY NOT DENY ENTRY TO THE ~~CHIEF~~ HEALTH OFFICER IN PERFORMANCE OF AN
33 INSPECTION. A PERSON OR BUSINESS SUBJECT TO THIS TITLE SHALL FURNISH A COPY OF
34 THEIR STATE AUTHORIZATION TO PROVIDE MASSAGE UNDER § 6-301 ET SEQ. OF THE
35 HEALTH-OCCUPATIONS ARTICLE OF THE STATE CODE UPON REQUEST. THIS SECTION DOES
36 NOT RESTRICT OR LIMIT THE RIGHT OF ENTRY OR INSPECTION AUTHORIZED BY ANY
37 STATE OR COUNTY LAW.

38
39 **(C) Display of license.** A MASSAGE ESTABLISHMENT SHALL DISPLAY THE STATE
40 MASSAGE THERAPIST LICENSE IN A CONSPICUOUS LOCATION IN A PUBLIC AREA OF THE
41 ESTABLISHMENT.

42
43 **(D) Penalties.** FAILURE TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE IS A
44 CLASS B CIVIL OFFENSE. EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A
45 SEPARATE OFFENSE.

46
47 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
48 from the date it becomes law.