

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 15

Bill No. 76-22

Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

and by Mr. Pruski

By the County Council, July 18, 2022

Introduced and first read on July 18, 2022
Public Hearing set for and held on September 6, 2022
Bill Expires October 21, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Licenses and Registrations – Massage Therapy
2 Establishments

3
4 FOR the purpose of establishing a massage therapy establishment license requirement;
5 designating the authority to administer and enforce the licensing provisions; adding
6 certain definitions; establishing the term of a license; adding an application process for
7 a license; prohibiting violations of the licensing requirements; allowing enforcement
8 under certain circumstances; allowing fines for violations; and generally relating to
9 licenses and registrations.

10
11 BY repealing and reenacting, with amendments: § 11-1-102
12 Anne Arundel County Code (2005, as amended)

13
14 BY adding: §§ 11-9A-101 through 11-9A-105 to be under the new title “9A. Massage
15 Therapy Establishment”
16 Anne Arundel County Code (2005, as amended)

17
18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
19 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[[,]]; and

(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

11-9A-101. Definitions.

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.

1 (III) "MASSAGE THERAPY ESTABLISHMENT" DOES NOT INCLUDE A LOCATION
2 WHERE ALL OF THE INDIVIDUALS PROVIDING MASSAGE THERAPY ARE NOT REQUIRED TO
3 HAVE A LICENSE OR REGISTRATION UNDER § 6-301 OF THE HEALTH OCCUPATIONS
4 ARTICLE OF THE STATE CODE.

5
6 **11-9A-102. License required.**

7
8 A PERSON MAY NOT OWN, OPERATE, OR MANAGE A MASSAGE THERAPY
9 ESTABLISHMENT WITHOUT A LICENSE ISSUED BY THE DEPARTMENT. A SEPARATE
10 LICENSE IS REQUIRED FOR EACH MASSAGE THERAPY ESTABLISHMENT.

11
12 **11-9A-103. Massage therapy establishment license.**

13
14 (A) **Term; renewal.** A LICENSE ISSUED UNDER THIS TITLE SHALL EXPIRE ON
15 DECEMBER 31 IN THE FIFTH YEAR FOLLOWING ISSUANCE. A LICENSEE SHALL APPLY TO
16 RENEW THE LICENSE PRIOR TO ITS EXPIRATION.

17
18 (B) **Application.**

19
20 (1) AN APPLICATION FOR A LICENSE SHALL INCLUDE:

21
22 (I) THE NAMES AND ADDRESSES OF THE APPLICANT AND ALL OWNERS,
23 OPERATORS, AND MANAGERS OF THE MASSAGE THERAPY ESTABLISHMENT;

24
25 (II) THE LOCATION OF THE MASSAGE THERAPY ESTABLISHMENT AND THE
26 NAMES AND ADDRESSES OF ALL LESSEES AND OWNERS OF THE REAL PROPERTY WHERE
27 THE ESTABLISHMENT IS LOCATED;

28
29 (III) THE NAMES AND ADDRESSES OF ALL PERSONS PROVIDING MASSAGE
30 THERAPY AT THE MASSAGE THERAPY ESTABLISHMENT; AND

31
32 (IV) COPIES OF ALL LICENSES AND REGISTRATIONS FOR PERSONS IDENTIFIED
33 IN SUBPARAGRAPH (III).

34
35 (2) THE APPLICANT SHALL REPORT ANY CHANGES TO THE INFORMATION
36 CONTAINED IN THE APPLICATION TO THE DIRECTOR IN WRITING WITHIN 30 DAYS OF
37 THOSE CHANGES.

38
39 (C) **Fees.** THE FEE FOR A MASSAGE THERAPY ESTABLISHMENT LICENSE AND EACH
40 RENEWAL IS \$25.

41
42 (D) **Issuance.** A MASSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE ISSUED IF
43 THE APPLICANT HAS PROVIDED ALL INFORMATION REQUIRED BY THIS SECTION, HAS PAID
44 THE FEE, AND IS OTHERWISE IN COMPLIANCE WITH ALL PROVISIONS OF THIS TITLE.

45
46 (E) **Display of license.** A MASSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE
47 DISPLAYED CONSPICUOUSLY IN A PUBLIC AREA OF THE MASSAGE THERAPY
48 ESTABLISHMENT.

49
50 (F) **Transfer.** A LICENSE IS NON-TRANSFERRABLE TO ANOTHER PERSON OR LOCATION.

51
52 (G) **Suspension; revocation.** THE DEPARTMENT MAY SUSPEND OR REVOKE A LICENSE
53 FOR ANY VIOLATION OF TITLE 1 OF THIS ARTICLE OR THIS TITLE BY A LICENSEE, OR ANY
54 AGENT OR EMPLOYEE OF A LICENSEE.

1 **11-9A-104. Violations; enforcement.**
2

3 (A) **Persons not authorized to administer massage therapy.** A LICENSEE, OWNER,
4 OPERATOR, OR MANAGER OF A MASSAGE THERAPY ESTABLISHMENT MAY NOT
5 AUTHORIZE OR PERMIT THE ADMINISTRATION OF MASSAGE THERAPY BY A PERSON NOT
6 AUTHORIZED TO ADMINISTER MASSAGE THERAPY UNDER TITLE 6 OF THE HEALTH
7 OCCUPATIONS ARTICLE OF THE STATE CODE.
8

9 (B) **Property owner.** THE OWNER OF REAL PROPERTY WHERE A MASSAGE THERAPY
10 ESTABLISHMENT IS LOCATED MAY NOT ALLOW A MASSAGE THERAPY ESTABLISHMENT
11 TO OPERATE IN VIOLATION OF THIS TITLE.
12

13 (C) **Notice; enforcement against a property owner.** THE POLICE DEPARTMENT SHALL
14 NOTIFY THE OWNER OF THE REAL PROPERTY WHERE A MASSAGE THERAPY
15 ESTABLISHMENT IS LOCATED IF A MASSAGE THERAPY ESTABLISHMENT IS OPERATED IN
16 VIOLATION OF THIS TITLE. IF THE VIOLATION REMAINS 30 DAYS AFTER THE DATE OF THE
17 NOTICE FROM THE POLICE DEPARTMENT, THE PROPERTY OWNER SHALL BE SUBJECT TO
18 ENFORCEMENT AND FINES UNDER THIS TITLE.
19

20 (D) **Enforcement prohibited.** THE COUNTY MAY NOT ENFORCE THE PROVISIONS OF
21 SUBSECTION (C) AGAINST A PROPERTY OWNER IF THE PROPERTY OWNER COMMENCES
22 PROCEEDINGS FOR BREACH OF LEASE UNDER § 8-402.1 OF THE REAL PROPERTY ARTICLE
23 OF THE STATE CODE BASED ON A VIOLATION OF THIS TITLE.
24

25 (E) **Enforcement.** EXCEPT AS OTHERWISE PROHIBITED IN SUBSECTION (D), THE
26 COUNTY MAY ENFORCE THE PROVISIONS OF THIS TITLE AGAINST THE PERSON
27 OPERATING, OWNING, OR MANAGING A MASSAGE THERAPY ESTABLISHMENT, OR
28 AGAINST A PROPERTY OWNER, THROUGH ANY APPROPRIATE COURT PROCEEDINGS AND
29 MAY SEEK ANY APPROPRIATE FORMS OF RELIEF TO RESTRAIN OR CORRECT A VIOLATION
30 OF THIS TITLE, INCLUDING ABATEMENT AND INJUNCTIVE PROCEEDINGS.
31

32 **11-9A-105. Sanctions.**
33

34 A VIOLATION OF THIS TITLE IS A CLASS C CIVIL OFFENSE, PUNISHABLE BY CIVIL FINE
35 AS PROVIDED IN § 9-2-101 OF THIS CODE.
36


37 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
38 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