



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Curran Ritter, Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: September 6, 2022

Subject: Bill No. 76-22, Licenses and Registrations – Massage Therapy Establishments

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 76-22, a Bill that establishes a licensing framework for Massage Therapy Establishments.

Purpose.

The purpose of the Bill is to create a “Massage Therapy Establishment License” and establish the requirements and administrative processes associated with the issuance of a Massage Therapy Establishment License and the operation of a licensed Massage Therapy Establishment.

Background.

Individual massage therapists are generally required to have a license issued by the State in order to act as a massage therapist. The State also has authority to take injunctive or other action against individuals who act as massage therapists without a license. However, under the existing laws and regulations, the individuals and businesses that employ massage therapists that are not licensed by the State are not subject to specific oversight or penalties. This Bill will establish a process under which the County would require that business owners be licensed by the County and be subject to enforcement when non-licensed massage therapists are employed as massage therapists at their locations.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

SECTION 1.

Section 11-1-102(1) is new and establishes enforcement authority for new Title 9A. The rest of the section is amended for clarity.

All of Title 9A is new. **Section 11-9A-101** provides that “Department” means Inspections and Permits, and establishes new definitions of “License”, “Massage Therapy”, and “Massage Therapy Establishment”. The definition of “Massage Therapy” mirrors the relevant State Code definition.

Section 11-9A-102 requires that a Massage Therapy Establishment license is required to own, operate, or manage a Massage Therapy Establishment.

Section 11-9A-103(a) establishes that a Massage Therapy Establishment license is valid for five years, and that the licensee must renew the Massage Therapy Establishment license before it expires. **Subsection (b)** establishes the application process and requirements for a Massage Therapy Establishment license. **Subsection (c)** sets the Massage Therapy Establishment license fee at twenty-five dollars.

Section 11-9A-103(d) governs the issuance of Massage Therapy Establishment licenses. **Subsection (e)** requires that an issued Massage Therapy Establishment shall be conspicuously displayed in the public area of a Massage Therapy Establishment. **Subsection (f)** prohibits the transfer of massage therapy establishment licenses. **Subsection (g)** allows the Department to suspend or revoke a Massage Therapy Establishment Licensee for any violation of Title 9A.

Section 11-9A-104(a) requires that the owner, operator, or manager of a Massage Therapy Establishment only allow individuals licensed by the State as “massage therapists” to administer massage therapy. **Subsection (b)** provides that the owner of real property where a Massage Therapy Establishment is located may not allow the establishment to operate in violation of Title 9A.

Section 11-9A-104(c) requires that the Police Department notify the owner of real property if a Massage Therapy Establishment is operated in violation of the Title. If the violation remains 30 days after notice, the property owner is subject to enforcement. **Subsection (d)** prohibits civil enforcement of this section against property owners who are endeavoring to bring the property into compliance by means of specific actions such as eviction.

Section 11-9A-104(e) authorizes the County to institute a civil action against a person acting in violation of the licensing requirements.

Section 11-9A-105 establishes that the penalty for a violation of Title 9A is a Class C civil offense. For a Class C civil offense, the fine is \$500 for the first violation and \$1,000 for the second or any subsequent violation. § 9-2-101(f)(3).

SECTION 2. (uncodified) provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.
Thank you.

cc: Honorable Steuart Pittman, County Executive
Dr. Kai Boggess-de Bruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Director of Government Relations
Chris Trumbauer, Budget Officer
Mark Wedemeyer, Director, Department of Inspections and Permits
Holly Velez, Chief of Licensing, Department of Inspections & Permits
Major Ross Passman, Police Department