

PROPOSED

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)

By the County Council, July 18, 2022

Introduced and first read on July 18, 2022
Public Hearing set for 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:

ARTICLE 11. LICENSES AND REGISTRATIONS

TITLE 1. DEFINITIONS; GENERAL PROVISIONS

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.

1 **11-1-102. Administration.**

2
3 The Director and the Department shall administer and enforce the provisions of this
4 article, except that:

5
6 (1) PROVISIONS RELATING TO MASSAGE THERAPY ESTABLISHMENTS SHALL BE
7 ADMINISTERED AND ENFORCED AS PROVIDED IN TITLE 9A;

8
9 (2) provisions relating to multiple dwellings and rooming houses shall be
10 administered and enforced as provided in Title 10[[],];

11
12 (3) provisions relating to nonconsensual towing companies and parking lot owners
13 shall be administered and enforced as provided in Title 16[[],]; and

14
15 (4) [[the Health Officer and the Health Department shall administer and enforce
16 the]] provisions relating to fires, food service facilities, and swimming pools SHALL BE
17 ADMINISTERED AND ENFORCED BY THE HEALTH OFFICER AND THE HEALTH
18 DEPARTMENT.

19
20 **TITLE 9A. MASSAGE THERAPY ESTABLISHMENTS**

21
22 **11-9A-101. Definitions.**

23
24 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

25
26 (1) UNLESS OTHERWISE SPECIFIED IN THIS TITLE, “DEPARTMENT” MEANS THE
27 DEPARTMENT OF INSPECTION AND PERMITS.

28
29 (2) “LICENSE” MEANS A MASSAGE THERAPY ESTABLISHMENT LICENSE ISSUED
30 UNDER THIS TITLE, AS AUTHORIZED BY § 6-405 OF THE HEALTH OCCUPATIONS ARTICLE OF
31 THE STATE CODE, UNLESS OTHERWISE INDICATED.

32
33 (3) “MASSAGE THERAPY” HAS THE MEANING STATED IN § 6-101 OF THE HEALTH
34 OCCUPATIONS ARTICLE OF THE STATE CODE.

35
36 (4) “MASSAGE THERAPY ESTABLISHMENT” MEANS:

37
38 (I) A LOCATION WHERE ONE OR MORE PERSONS ARE OFFERING, PURPORTING
39 TO OFFER, HOLDING THEMSELVES OUT AS PROVIDING, OR ADMINISTERING MASSAGE
40 THERAPY ONSITE OR OFFSITE; OR

41
42 (II) ONE OR MORE PERSONS OFFERING, OVERSEEING, OR SENDING A PERSON OR
43 PERSONS TO OFFER, PROVIDE, OR ADMINISTER MASSAGE THERAPY AT A CLIENT’S
44 RESIDENCE OR OTHER LOCATION IN THE COUNTY SELECTED BY A CLIENT, WHETHER OR
45 NOT OPERATING FROM A FIXED LOCATION, EXCEPT FOR A PERSON LICENSED OR
46 REGISTERED UNDER § 6-301 OF THE HEALTH OCCUPATIONS ARTICLE OF THE STATE CODE
47 WHO IS OPERATING AS A SOLE PRACTITIONER AND ENGAGING IN MASSAGE THERAPY
48 ONLY AT THE LICENSEE’S RESIDENCE OR AT A CLIENT’S RESIDENCE OR OTHER LOCATION
49 SELECTED BY A CLIENT.

50
51 (III) “MASSAGE THERAPY ESTABLISHMENT” DOES NOT INCLUDE A LOCATION
52 WHERE ALL OF THE INDIVIDUALS PROVIDING MASSAGE THERAPY ARE NOT REQUIRED TO
53 HAVE A LICENSE OR REGISTRATION UNDER § 6-301 OF THE HEALTH OCCUPATIONS
54 ARTICLE OF THE STATE CODE.

1 **11-9A-102. License required.**

2
3 A PERSON MAY NOT OWN, OPERATE, OR MANAGE A MESSAGE THERAPY
4 ESTABLISHMENT WITHOUT A LICENSE ISSUED BY THE DEPARTMENT. A SEPARATE
5 LICENSE IS REQUIRED FOR EACH MESSAGE THERAPY ESTABLISHMENT.
6

7 **11-9A-103. Massage therapy establishment license.**

8
9 (A) **Term; renewal.** A LICENSE ISSUED UNDER THIS TITLE SHALL EXPIRE ON
10 DECEMBER 31 IN THE FIFTH YEAR FOLLOWING ISSUANCE. A LICENSEE SHALL APPLY TO
11 RENEW THE LICENSE PRIOR TO ITS EXPIRATION.
12

13 (B) **Application.**

14
15 (1) AN APPLICATION FOR A LICENSE SHALL INCLUDE:

16
17 (I) THE NAMES AND ADDRESSES OF THE APPLICANT AND ALL OWNERS,
18 OPERATORS, AND MANAGERS OF THE MESSAGE THERAPY ESTABLISHMENT;
19

20 (II) THE LOCATION OF THE MESSAGE THERAPY ESTABLISHMENT AND THE
21 NAMES AND ADDRESSES OF ALL LESSEES AND OWNERS OF THE REAL PROPERTY WHERE
22 THE ESTABLISHMENT IS LOCATED;
23

24 (III) THE NAMES AND ADDRESSES OF ALL PERSONS PROVIDING MESSAGE
25 THERAPY AT THE MESSAGE THERAPY ESTABLISHMENT; AND
26

27 (IV) COPIES OF ALL LICENSES AND REGISTRATIONS FOR PERSONS IDENTIFIED
28 IN SUBPARAGRAPH (III).
29

30 (2) THE APPLICANT SHALL REPORT ANY CHANGES TO THE INFORMATION
31 CONTAINED IN THE APPLICATION TO THE DIRECTOR IN WRITING WITHIN 30 DAYS OF
32 THOSE CHANGES.
33

34 (C) **Fees.** THE FEE FOR A MESSAGE THERAPY ESTABLISHMENT LICENSE AND EACH
35 RENEWAL IS \$25.
36

37 (D) **Issuance.** A MESSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE ISSUED IF
38 THE APPLICANT HAS PROVIDED ALL INFORMATION REQUIRED BY THIS SECTION, HAS PAID
39 THE FEE, AND IS OTHERWISE IN COMPLIANCE WITH ALL PROVISIONS OF THIS TITLE.
40

41 (E) **Display of license.** A MESSAGE THERAPY ESTABLISHMENT LICENSE SHALL BE
42 DISPLAYED CONSPICUOUSLY IN A PUBLIC AREA OF THE MESSAGE THERAPY
43 ESTABLISHMENT.
44

45 (F) **Transfer.** A LICENSE IS NON-TRANSFERRABLE TO ANOTHER PERSON OR LOCATION.
46

47 (G) **Suspension; revocation.** THE DEPARTMENT MAY SUSPEND OR REVOKE A LICENSE
48 FOR ANY VIOLATION OF TITLE 1 OF THIS ARTICLE OR THIS TITLE BY A LICENSEE, OR ANY
49 AGENT OR EMPLOYEE OF A LICENSEE.
50

51 **11-9A-104. Violations; enforcement.**

52
53 (A) **Persons not authorized to administer massage therapy.** A LICENSEE, OWNER,
54 OPERATOR, OR MANAGER OF A MESSAGE THERAPY ESTABLISHMENT MAY NOT

1 AUTHORIZE OR PERMIT THE ADMINISTRATION OF MASSAGE THERAPY BY A PERSON NOT
2 AUTHORIZED TO ADMINISTER MASSAGE THERAPY UNDER TITLE 6 OF THE HEALTH
3 OCCUPATIONS ARTICLE OF THE STATE CODE.

4
5 (B) **Property owner.** THE OWNER OF REAL PROPERTY WHERE A MASSAGE THERAPY
6 ESTABLISHMENT IS LOCATED MAY NOT ALLOW A MASSAGE THERAPY ESTABLISHMENT
7 TO OPERATE IN VIOLATION OF THIS TITLE.

8
9 (C) **Notice; enforcement against a property owner.** THE POLICE DEPARTMENT SHALL
10 NOTIFY THE OWNER OF THE REAL PROPERTY WHERE A MASSAGE THERAPY
11 ESTABLISHMENT IS LOCATED IF A MASSAGE THERAPY ESTABLISHMENT IS OPERATED IN
12 VIOLATION OF THIS TITLE. IF THE VIOLATION REMAINS 30 DAYS AFTER THE DATE OF THE
13 NOTICE FROM THE POLICE DEPARTMENT, THE PROPERTY OWNER SHALL BE SUBJECT TO
14 ENFORCEMENT AND FINES UNDER THIS TITLE.

15
16 (D) **Enforcement prohibited.** THE COUNTY MAY NOT ENFORCE THE PROVISIONS OF
17 SUBSECTION (C) AGAINST A PROPERTY OWNER IF THE PROPERTY OWNER COMMENCES
18 PROCEEDINGS FOR BREACH OF LEASE UNDER § 8-402.1 OF THE REAL PROPERTY ARTICLE
19 OF THE STATE CODE BASED ON A VIOLATION OF THIS TITLE.

20
21 (E) **Enforcement.** EXCEPT AS OTHERWISE PROHIBITED IN SUBSECTION (D), THE
22 COUNTY MAY ENFORCE THE PROVISIONS OF THIS TITLE AGAINST THE PERSON
23 OPERATING, OWNING, OR MANAGING A MASSAGE THERAPY ESTABLISHMENT, OR
24 AGAINST A PROPERTY OWNER, THROUGH ANY APPROPRIATE COURT PROCEEDINGS AND
25 MAY SEEK ANY APPROPRIATE FORMS OF RELIEF TO RESTRAIN OR CORRECT A VIOLATION
26 OF THIS TITLE, INCLUDING ABATEMENT AND INJUNCTIVE PROCEEDINGS.

27
28 **11-9A-105. Sanctions.**

29
30 A VIOLATION OF THIS TITLE IS A CLASS C CIVIL OFFENSE, PUNISHABLE BY CIVIL FINE
31 AS PROVIDED IN § 9-2-101 OF THIS CODE.

32
33 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
34 from the date it becomes law.