

PROPOSED

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 September 4, 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 to public
4 areas in massage establishments for purposes of inspection; requiring posting of State
5 licenses for individuals or businesses offering massage; establishing penalties for
6 failure to comply with County requirements; and generally relating to public safety.
7

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

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
13

14 ARTICLE 12. PUBLIC SAFETY

15 TITLE 6. MISCELLANEOUS PROVISIONS

16 12-6-107. **Massage establishments.**

17
18
19
20 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22
23 (1) “CHIEF” MEANS THE CHIEF OF POLICE OR THE CHIEF’S DESIGNEE.

24
25 (2) “DEPARTMENT” MEANS THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT.

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

5
6 (4) "MASSAGE ESTABLISHMENT" MEANS A BUSINESS ENTITY:

7
8 (I) WHERE ONE OR MORE PERSONS HOLD THEMSELVES OUT AS PROVIDING
9 MESSAGE;

10
11 (II) THAT ADVERTISES, OFFERS, OR ADMINISTERS MESSAGE, PROVIDED BY ONE
12 OR MORE INDIVIDUALS; OR

13
14 (III) WHERE IT IS REASONABLY BELIEVED THAT ONE OR MORE INDIVIDUALS
15 ARE PROVIDING MESSAGE.
16

17 (B) **Right of entry; proof of State license.** UPON PROVIDING PROPER CREDENTIALS,
18 THE CHIEF MAY ENTER THE PUBLIC AREAS OF A MESSAGE ESTABLISHMENT DURING
19 BUSINESS OR OPERATING HOURS TO ENSURE COMPLIANCE WITH § 6-301 ET SEQ. OF THE
20 HEALTH-OCCUPATIONS ARTICLE OF THE STATE CODE. A PERSON MAY NOT DENY ENTRY
21 TO THE CHIEF IN PERFORMANCE OF AN INSPECTION. A PERSON OR BUSINESS SUBJECT TO
22 THIS TITLE SHALL FURNISH A COPY OF THEIR STATE AUTHORIZATION TO PROVIDE
23 MESSAGE UNDER § 6-301 ET SEQ. OF THE HEALTH-OCCUPATIONS ARTICLE OF THE STATE
24 CODE UPON REQUEST. THIS SECTION DOES NOT RESTRICT OR LIMIT THE RIGHT OF ENTRY
25 OR INSPECTION AUTHORIZED BY ANY STATE OR COUNTY LAW.
26

27 (C) **Display of license.** A MESSAGE ESTABLISHMENT SHALL DISPLAY THE STATE
28 MESSAGE THERAPIST LICENSE IN A CONSPICUOUS LOCATION IN A PUBLIC AREA OF THE
29 ESTABLISHMENT.
30

31 (D) **Penalties.** FAILURE TO COMPLY WITH ANY PROVISION OF THIS SUBTITLE IS A
32 CLASS B CIVIL OFFENSE. EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A
33 SEPARATE OFFENSE.
34

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