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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says:
That as the legal clerk of the RENO
GAZETTE-JOURNAL, a daily newspaper
published in Reno, Washoe County,
State of Nevada, that the notice:

Ordinance 1182

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

Dec. 13, 20, 2002

Signed: *Julia Ketcham*

Subscribed and sworn to before me this

12-30-02

Tana Cicotti

PROOF OF PUBLICATION

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1182

NOTICE IS HEREBY GIVEN
THAT: Bill No. 1360, Ordinance No. 1182 entitled

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING REFERENCES TO MASSAGE APPRENTICES AND RELATED MATTERS; ESTABLISHING THAT APPLICANTS FOR MASSAGE BUSINESS LICENSES SHALL BE AT LEAST EIGHTEEN YEARS OF AGE AT TIME OF APPLICATION; REQUIRING THAT EVERY LICENSEE SHALL MAINTAIN A REGISTER OF ALL PERSONS EMPLOYED FOR A PERIOD OF FIVE CONCURRENT YEARS TO INCLUDE THE CURRENT YEAR OF LICENSURE; REQUIRING THAT THE APPLICATION FOR A MASSAGE THERAPIST'S PERMIT FOR AN APPLICANT SUBSTITUTING MASSAGE PRACTICE IN LIEU OF POST SECONDARY EDUCATION TRAINING INCLUDE WRITTEN PROOF OF BOTH THE ISSUED PERMIT AND VERIFICATION OF THE REQUIRED HOURS OF MASSAGE PRACTICE; ESTABLISHING ADDITIONAL PROVISIONS REGARDING EDUCATION REQUIREMENTS FOR MASSAGE THERAPISTS; AND PROVIDING OTHER MATTERS RELATING THERETO.

was adopted on December 10, 2002 by Commissioners Galloway, Sferrazza, Shaw and Short. This ordinance shall be in full force and effect from and after December 20, 2002.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY,
Washoe County Clerk and
Clerk of the Board of County
Commissioners
No.4358 Dec 13, 20, 2002



JAN 2 2002

SUMMARY: An ordinance amending the Washoe County Code by eliminating references to massage apprentices and related matters, establishing age requirements for applications for massage business licenses and establishing additional requirements for the keeping of records by licensees, applications for massage therapist permits and education for massage therapists.

BILL NO. 1360

ORDINANCE NO. 1182

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING REFERENCES TO MASSAGE APPRENTICES AND RELATED MATTERS; ESTABLISHING THAT APPLICANTS FOR MASSAGE BUSINESS LICENSES SHALL BE AT LEAST EIGHTEEN YEARS OF AGE AT TIME OF APPLICATION; REQUIRING THAT EVERY LICENSEE SHALL MAINTAIN A REGISTER OF ALL PERSONS EMPLOYED FOR A PERIOD OF FIVE CONCURRENT YEARS TO INCLUDE THE CURRENT YEAR OF LICENSURE; REQUIRING THAT THE APPLICATION FOR A MASSAGE THERAPIST'S PERMIT FOR AN APPLICANT SUBSTITUTING MASSAGE PRACTICE IN LIEU OF POST SECONDARY EDUCATION TRAINING INCLUDE WRITTEN PROOF OF BOTH THE ISSUED PERMIT AND VERIFICATION OF THE REQUIRED HOURS OF MASSAGE PRACTICE; ESTABLISHING ADDITIONAL PROVISIONS REGARDING EDUCATION REQUIREMENTS FOR MASSAGE THERAPISTS; AND PROVIDING OTHER MATTERS RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 25.2624 of the Washoe County Code is hereby repealed.

SECTION 2. The Index for Chapter 25 of the Washoe County Code is hereby amended to read as follows:

Massage Businesses

- 25.227 Definitions.
- 25.229 Massage business license required.
- 25.231 Application for massage business license.
- 25.238 Board of massage examiners; creation; composition; replacement; meetings; examinations; recommendations.
- 25.239 Investigation of suitability for license; cause for denial.
- 25.241 Display of fee schedule.

- 25.243 Fees.
- 25.244 Unlawful acts.
- 25.247 Keeping of records.
- 25.253 Supervision.
- 25.259 Exemptions.

Work Permits for Employees of Massage Businesses

- 25.261 Requirement for work permit.
- 25.2611 Grounds for denial and revocation of permit.
- 25.2613 Period of work permit validity; renewal.

Massage Therapist Permits

- 25.262 Requirement for massage therapist permits; terms; exceptions.
- 25.2621 Application for massage therapist permit.
- 25.2622 Permit issuance; grounds for denial and revocation.
- 25.2623 Education requirements for massage therapists.
- 25.2625 Continuing education requirements for massage therapists.

SECTION 3. Section 25.227 of the Washoe County Code is hereby amended to read as follows:

25.227 Definitions. As used in sections 25.227 to 25.2625, inclusive, unless the context otherwise requires:

1. "Client" means any person who receives a massage under such circumstances that it would be reasonably expected that money would be paid or other consideration given therefor.

2. "Employee" in relation to employment in a massage establishment means any person who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or from patrons.

3. "Massage" means and includes any method of treating the superficial parts of a client's anatomy for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, any instrument or by the application of air, liquid or vapor baths of any kind, where the treatment is performed under such circumstances that it would be reasonably expected that money will be paid or other consideration given therefor.

4. "Massage business license" means the license attaching to the business and is separate and distinct from the permit required of individuals actually performing the services.

5. "Massage therapist" means any person who actually performs a massage under a massage therapist permit.

[Part §1, Ord. No. 316; A Ord. Nos. 353, 423, 497, 605, 975, 1138]

SECTION 4. Section 25.229 of the Washoe County Code is hereby amended to read as follows:

25.229 Massage business license required.

1. Except as provided in section 25.259, it is unlawful for any person to operate, manage or maintain a business wherein massages are performed unless he holds a valid massage business license issued pursuant to the provisions of sections 25.227 to 25.259, inclusive.

2. A massage business license shall be issued for a specified location and shall authorize the performing of a massage at the location specified in the license and on an out-call basis under such conditions as will insure the legitimacy of such out-call massages.

3. A massage establishment business license allows for an establishment to be used for the purpose of massage and does not license or permit any individual to perform such massage. Massage therapist permits and work permits for individuals are separate and distinct from massage establishment business licenses.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

SECTION 5. Section 25.231 of the Washoe County Code is hereby amended to read as follows:

25.231 Application for massage business license. A person desiring a massage business license shall file a written application with the license division on a form to be furnished by the license division. The information shall be required both as to the applicant and any person principally in charge of the operation of the business whether the person is classified as a manager, operator or other synonymous term. In addition to the application requirements set forth in section 25.017, the applicant shall provide the following information:

1. Written proof of age. Applicants shall be at least 18 years of age at time of application.

2. Height, weight, color of hair and eyes, and sex.

3. The massage or similar business history and experience, including but not limited to whether such person has previously operated in this or in another city or county or state under a license or permit, whether such person has had such license or permit denied, revoked or suspended, and the reason therefor,

and the business activities or occupations subsequent to such action of denial, suspension or revocation.

4. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof.

5. If the applicant intends to offer outcall massage under the massage business license, a declaration of that intent.

6. Such other information, identification and physical examination of the person as deemed necessary by the license division or the sheriff to discover the truth of the statements required to be set forth in the application.

7. Authorization for the county, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 827, 1138]

SECTION 6. No change.

25.238 Board of massage examiners; creation; composition; replacement; meetings; examinations; recommendations.

1. There is hereby created the board of massage examiners to be composed of five regular members who shall be residents of the county. The board of massage examiners shall consist of five persons to be appointed by the board. Each appointee shall be a licensed massage or body work therapist or other licensed professional in a related field. The terms shall be for 3 years.

2. No board of massage examiners member shall serve more than three consecutive terms unless the board approves additional terms for that person.

3. The board of massage examiners shall meet at least once every quarter, with additional meetings as necessary to be called by the chairperson.

4. The board of massage examiners shall conduct an examination of all applicants for a massage therapist permit, which examination shall consist of a written test and a practical examination unless the applicant is exempt from all or part of the test. The written examination shall test the applicant's knowledge of anatomy, kinesiology and physiology, massage technique and practice and of state and county laws (including health and any other laws, rules or regulations the board may determine applicable to the practice of massage). The practical examination shall consist of the actual performing of massage services. An applicant will be limited to three

attempts at each portion of the examination in any twelve month period.

5. The board of massage examiners shall grade and assess the examination and make its recommendation to the license division.
[§3, Ord. No. 605; A Ord. Nos. 692, 827, 1051]

SECTION 7. No change.

25.239 Investigation of suitability for license; cause for denial.

1. As used in this section term "applicant" shall mean:

- (a) The applicant, if an individual;
- (b) Any of the officers and directors, if the applicant is a corporation;
- (c) Any of the partners, including general and limited partners, if the applicant is a partnership; or
- (d) The manager or other person principally in charge of the operation of the business, if the applicant is a partnership or a corporation.

2. Upon receipt of a completed application by the license division, the sheriff shall commence his investigation in accordance with section 25.023. Good cause exists for the denial of an initial application for a massage business license for the reasons listed in subsection 1 of section 25.018 or any of the following reasons:

(a) The applicant has been convicted within the past ten (10) years of the following crimes:

- (1) Fraud.
- (2) Prostitution.
- (3) Solicitation.
- (4) Rape (sexual assault).
- (5) Indecent Exposure.

(b) The applicant has had a massage business license, masseur's permit or other similar permit or license denied, revoked or suspended for any of the causes stated in subsection 2(a) by this county or any other state or local agency within 5 years before the date of the application; or

(c) The applicant is under the age of 18 years.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 827, 975, 1138]

SECTION 8. No change.

25.241 Display of fee schedule. The operator of each massage establishment shall post, in a conspicuous place in the establishment, a statement of the massage charges, rates or fees for any of the services for which a license pursuant to this chapter is required. It shall be unlawful to charge a rate or

fee in an amount greater than that set forth in the statement required under this section.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

SECTION 9. Section 25.243 of the Washoe County Code is hereby amended to read as follows:

25.243 Fees.

1. The fee for a massage business license shall be as set forth in section 25.025 of this code.

2. The initial and annual fee for a massage therapist permit shall be \$29.

3. The fees for a massage therapist permit are separate from any fees or service charges collected by the sheriff for a work permit. The applicant is required to pay any fees or service charges for a work permit as set forth in section 25.0451.

4. The fee for the testing and hearing before the board of massage examiners will be \$15.

5. Members of the board of massage examiners shall be exempt from the fee requirements of this section.

[\$12, Ord. No. 605; A Ord. Nos. 692, 1138]

SECTION 10. Section 25.244 of the Washoe County Code is hereby amended to read as follows:

25.244 Unlawful acts.

1. It is unlawful for a massage therapist or employee of a massage business to intentionally massage, touch or fondle the genital or anal area of any patron or the breasts of a female patron.

2. It is unlawful for a person to perform a massage under the auspices of a massage business unless that person holds a valid massage therapist's permit pursuant to sections 25.262 to 25.2625, inclusive.

3. It is unlawful for a person to perform outcall massage unless the person holds a valid massage therapist's permit pursuant to sections 25.262 to 25.2625, inclusive.

4. It is unlawful for the holder of a massage therapist's permit to perform a massage at a location not authorized by their employer's business license.

5. It is unlawful for the holder of a massage therapist's permit to allow the genital area of male and female clients or the breasts of female clients to be uncovered at any time. The genital area of male and female clients and the breasts of female clients shall be covered by a sheet, towel, or other opaque clothing at all times. If the genitals of male or female clients or the breasts of female clients become uncovered,

physical contact between the permittee and the client must cease until the covering is restored.

6. It is unlawful for a massage therapist to perform a massage on a person under the age of 18 unless the person is accompanied by a parent or guardian.

7. It is unlawful for the holder of a massage business license to allow any of the acts enumerated in subsections 1 to 7, inclusive, of this section.

[§1, Ord. No. 668; A. Ord. No. 1138]

SECTION 11. Section 25.247 of the Washoe County Code is hereby amended to read as follows:

25.247 Keeping of records. Every licensee shall maintain a register of all persons employed, whether as massage therapist or in any other capacity, containing names, dates of employment, dates and types of licenses or permits relating to the employee for a period of five (5) concurrent years to include the current year of licensure. The register shall be available at all times for inspection by the license division or its agent.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

SECTION 12. No Change.

25.251 Sanitation requirements, operating restrictions.

1. Every portion of a massage business, including appliances, apparatus and personnel, shall be kept clean and operated in a sanitary condition.

2. All employees of massage businesses shall wear clean opaque outer garments. When a patron is being given a massage the patron must be clothed in such a manner as to cover those body parts which if exposed would constitute nudity as defined in section 50.198 of this code.

3. All massage businesses shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a suitable sanitary manner. Suitable receptacles shall be provided for the storage of soiled linens and paper towels.

4. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.

5. No massage business granted a license under the provisions of this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize

any professional massage services.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

SECTION 13. No Change.

25.253 Supervision. A massage business licensee shall have the premises supervised at all times when open for business. A business rendering massage services shall have one person who holds a valid Washoe County massage therapist's permit on the premises at all times while the establishment is open. The business licensee shall not violate, or permit others to violate, any applicable provision of sections 25.227 to 25.2625, inclusive. The violation of any such provision by an agent or employee of the business licensee constitutes a violation by the business licensee.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 1138]

SECTION 14. No Change.

25.259 Exemptions.

The licensing or permit requirements of sections 25.227 to 25.2625, inclusive, do not apply to:

1. Any licensed health and care facility as defined in NRS 449; or
2. Any licensed provider of health care as defined in NRS 629.031 where the performing of massages is an adjunct of providing health care; or
3. Any person providing services under the direction and supervision of such licensed provider in conjunction with the providing of services by an exempted facility; or
4. Barbers or cosmetologists holding a valid state license or certificate while lawfully carrying out their particular business or profession at the location of their county business license.
5. Any person performing non-massage bodywork, including without limitation Reflexology, Ortho-Bionomy®, Polarity Therapy, Reiki, Cranio-Sacral Therapy, Feldenkrais, Jin-Shin, and Healing Touch.
6. Any person performing bodywork which does not meet the definition of massage under 25.227.
7. Any person performing other bodywork modalities approved by majority vote of the Board of Massage Examiners.

[Part §25, Ord. No. 306; A Ord. Nos. 522, 605, 692, 1138]

SECTION 15. Section 25.261 of the Washoe County Code is hereby amended to read as follows:

25.261 Requirement for work permit. Any person who is employed as a massage therapist must hold a current, valid work permit issued by the sheriff and administered in accordance with sections 25.0451 to 25.0459, inclusive, and sections 25.261 to 25.2613, inclusive.

[\$150, Ord. No. 1138]

SECTION 16. No Change.

25.2611 Grounds for denial and revocation of work permit. The sheriff may deny, revoke, or refuse to renew a work permit required pursuant to section 25.261 for any of the reasons stated in section 25.0452 of this code or if the applicant or holder thereof:

1. Has been convicted within the past ten (10) years of the following crimes:

- (a) Fraud.
- (b) Prostitution.
- (c) Solicitation.
- (d) Rape (sexual assault).
- (e) Indecent Exposure.

2. Is under the age of 18.

[\$151, Ord. No. 1138]

SECTION 17. Section 25.2613 of the Washoe County Code is hereby amended to read as follows:

25.2613 Period of work permit validity; renewal. A work permit issued to a massage therapist is valid for a period of 5 years from the date of its issuance, provided that the holder also possesses a valid massage therapist permit issued by the license division pursuant to section 25.262. A work permit issued to a massage therapist may be renewed.

[\$152, Ord. No. 1138]

SECTION 18. Section 25.262 of the Washoe County Code is hereby amended to read as follows:

25.262 Requirement for massage therapist permits; terms.

1. No person may be employed by a massage business as a massage therapist unless he holds a valid massage therapist's permit issued by the license division. This requirement is distinct from and in addition to the requirement for a work permit.

2. A massage therapist's permit is valid for one year and may be renewed, provided the holder complies with the educational requirements of section 25.2623.

[S153, Ord. No. 1138]

SECTION 19. Section 25.2621 of the Washoe County Code is hereby amended to read as follows:

25.2621 Application for massage therapist permit. The application for a massage therapist's permit shall be made on a form provided by the license division and shall include, without limitation:

1. The name of the massage business where the applicant will practice massage.

2. The applicant's massage or similar business history and experience, including whether he had previously operated in this county or other city, county, or state under a license or permit, whether he has had such license or permit denied, revoked, or suspended and the reason therefor, and the business activities or occupations subsequent to such action of denial, suspension, or revocation.

3. For an applicant substituting massage practice in lieu of post secondary education training pursuant to section 25.2623(1)(b), written proof of both the issued permit and verification of the required hours of massage practice.

[S154, Ord. No. 1138]

SECTION 20. Section 25.2622 of the Washoe County Code is hereby amended to read as follows:

25.2622 Permit issuance; grounds for denial and revocation.

1. Upon receipt of a complete application for a massage therapist's permit, the license division shall issue or deny the permit.

2. Good cause exists for permit denial if the applicant:

(a) Does not hold a valid work permit issued by the sheriff pursuant to sections 25.261 to 25.2613, inclusive.

(b) Does not meet the educational requirements set forth in sections 25.2623 and 25.2624, as applicable.

(c) Has had a massage business license, massage therapist permit, work permit required under section 25.261, or similar license or permit denied, suspended, or revoked within the last five years by Washoe County or any other state or local agency.

3. The license division may revoke or refuse to renew a massage therapist's permit for any reason that would constitute grounds for denial in the first instance.

4. If the license division denies, revokes, or refuses to

renew a massage therapist's permit, the applicant shall be advised of the reason or reasons in writing and may appeal to an internal review board and the board in substantially the same manner set forth in section 25.0454. For the purposes of such an appeal, the internal review board shall consist of at least three members of the board of massage examiners and shall be convened by the chair of the board of massage examiners.

[§155, Ord. No. 1138]

SECTION 21. Section 25.2623 of the Washoe County Code is hereby amended to read as follows:

25.2623 Education requirements for massage therapists.

1. Except as set forth in this section, no person shall receive or hold a massage therapist's permit unless he has complied with the following educational requirements:

(a) Making a satisfactory score on written and practical examinations conducted by the Board of Massage Examiners;

(b) Completing at least 500 hours of massage training from a post secondary education institution approved by the Board of Massage Examiners or completing a minimum of 10 hours of massage practice per week for two years under a valid permit, proof of such practice shall be provided upon application for a massage therapist's permit pursuant to section 25.2621;

(c) Completing at least six hours of continuing education during each year the person has held a massage therapist license, as specified in section 25.2625.

2. The Board of Massage Examiners will establish and publish a process to review and approve the educational requirements contained in subsection 1 of this section.

3. All persons holding massage therapist permits issued by Washoe County prior to December 12, 2001 are exempt from the educational requirements in subsections 1(a) and 1(b) of this section, provided their permits have not expired and are continuously renewed. Persons meeting this exemption are required to satisfy the educational requirements in subsection 1(c) of this section in order to renew their permit.

4. All persons who hold current, valid licenses or permits to perform massage therapy in any city or county in Nevada that requires at least 500 hours of formal education and a satisfactory score on both a written and practical examination are exempt from the educational requirements in subsections 1(a) and 1(b) of this section.

5. All persons who hold current, valid certificates from the national certification board for therapeutic massage and bodywork are exempt from the requirement for a written examination under subsection 1(a) of this section.

6. Any applicant may apply to the Board of Massage Examiners for a waiver to the educational requirements of subsection 1 of this section. The applicant must provide appropriate evidence to the license division as support for a waiver request. The Board of Massage Examiners may approve such a waiver by majority vote. The Board of Massage Examiners must provide the applicant with written findings of fact for either an approval or denial of the waiver request. Such findings shall be part of the record of the application and any subsequently issued permit.

7. Applicants who desire to work only in alternative modalities of bodywork or energy work that do not involve disrobing of the client may apply to the Board of Massage Examiners for exemption from subsection 1(a) of this section. The Board of Massage Examiners may grant such an exemption by majority vote. The Board of Massage Examiners must provide the applicant with written findings of fact for either an approval or denial of the exemption request. Such findings shall be part of the record of the application and any subsequently issued permit.

8. If the board of massage examiners deems it necessary, it may require at any time a massage therapist to complete the written or practical examination.

[§156, Ord. No. 1138]

SECTION 22. Section 25.2625 of the Washoe County Code is hereby amended to read as follows:

25.2625 Continuing education requirements for massage therapists.

1. Continuing education courses shall be in one or more of the following subject areas: massage, body work techniques, and energy work techniques.

2. Continuing education requirements may be fulfilled by classroom study, home study, or correspondence course.

3. To satisfy the education requirements of sections 25.2623 and 25.2624, applicants shall provide dated certificates of completion showing the number of hours of education completed. Such certificates must be issued by:

(a) A massage school, technical trade school, or institution of higher learning licensed by the State of Nevada Post Secondary Education Commission;

(b) A massage school or institution of higher learning duly licensed in a location outside the State of Nevada;

(c) A nationally recognized professional organization for attendance at a speech, seminar, or other event approved for continuing education units by that organization; or

(d) A massage therapist holding a valid permit issued by this

County, with at least three years of practical experience, and certified by a national organization that recognizes the technique or modality taught by that person.

[\$158, Ord. No. 1138]

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 19th day of November, 2002.

Proposed by Commissioner Shaw.

Passed on the 10th day of December, 2002.

Vote:

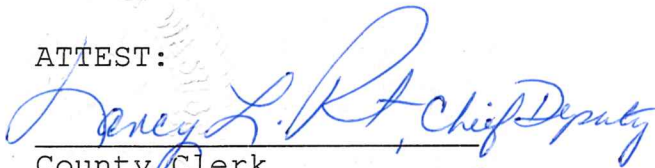
Ayes: **Commissioners Sferrazza, Galloway, Shaw and Short**

Nays:

Absent: **Commissioner Bond**


Chairman
Washoe County Commission

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 20th day of December, 2002.