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**Prepared by:** Municipal Clerk's Office  
**Reviewed by:** Department of Law  
**For reading:** October 20, 2015

**ANCHORAGE, ALASKA  
DRAFT AO NO. 2015-**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY ENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 10.41, MASSAGE ESTABLISHMENT LICENSE, TO PROVIDE FOR A PURPOSE, LICENSING REQUIREMENTS, VIOLATIONS AND PENALTIES FOR A MASSAGE ESTABLISHMENT LICENSE, AND TO AMEND SECTIONS OF CHAPTER 10.40, SERVICE ESTABLISHMENTS, TO REPEAL PROFESSIONAL LICENSING REQUIREMENTS FOR MASSAGE PRACTITIONERS.**

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1  
2 WHEREAS, Article X of the Alaska State Constitution provides for maximum local self-  
3 government and a liberal construction shall be given to the powers of local government units;  
4 and

5  
6 WHEREAS, in the local exercise of public health and safety, the City of Anchorage  
7 provided for the local business licensing of massage practitioners, and since unification under  
8 a home rule charter in 1975, the Municipality of Anchorage continued to license massage  
9 practitioners through July 1, 2015; and

10  
11 WHEREAS, in 2014 the Legislature of the State of Alaska passed HB328 which  
12 enacted statutes for the professional licensing of massage therapists, to become effective on  
13 July 1, 2015, and in doing so, reserved the authority for the professional licensing of massage  
14 therapists to the state, and, unless specifically provided for by statute, disallowed  
15 municipalities from enacting or enforcing ordinances requiring professional licensure of  
16 massage therapists; and

17  
18 WHEREAS, because of activities such as prostitution and human trafficking observed  
19 by enforcement agencies within the Municipality, licensing criteria and specifications of  
20 massage establishments are warranted for Municipality of Anchorage licensing, and are best  
21 administered at the local level under home rule municipal government; and

22  
23 WHEREAS, this ordinance enacts the requirement for Massage Establishment  
24 Licensing and other housekeeping amendments; now, therefore,

25  
26 THE ANCHORAGE ASSEMBLY ORDAINS:

27  
28 **Section 1.** Anchorage Municipal Code chapter 10.40 is hereby amended to read as follows  
29 (*the remainder of the chapter is not affected and therefore not set out*):

30  
31 Chapter 10.40 - SERVICE ESTABLISHMENTS

32  
33 10.40.010 - Massage practitioner license required; issuance. (Repealed)

- 1 10.40.015 - Prohibited acts by holders of adult-oriented establishment license [OR
- 2 MASSAGE PRACTITIONER LICENSE].
- 3 10.40.020 - Private detectives—Agency license; qualifications of employees.
- 4 10.40.025 - Private detectives—License. (Repealed)
- 5 10.40.030 - Private detectives—Certification by chief of police.
- 6 10.40.035 - Private detectives—Exemptions from licensing requirements. (Repealed)
- 7 10.40.040 - Private detectives—Prohibited acts.
- 8 10.40.045 - Private detectives—Definitions.
- 9 10.40.050 - Adult-oriented establishment license; physical layout of premises; conduct
- 10 of business.

## 11 Chapter 10.40 - SERVICE ESTABLISHMENTS

### 12 10.40.010 - Massage practitioner license required; issuance. (Repealed)

- 13
- 14
- 15
- 16 [A. NO PERSON MAY ENGAGE IN THE BUSINESS OF PROVIDING OR
- 17 OTHERWISE PROVIDE AS A SERVICE TO THE PUBLIC, MESSAGES OR
- 18 RELATED SERVICES AS AN OWNER, OPERATOR, EMPLOYEE OR
- 19 CONTRACTOR, OR MESSAGE THERAPIST WITHOUT FIRST OBTAINING A
- 20 MASSAGE PRACTITIONER LICENSE FROM THE STATE, UNLESS SUCH
- 21 PERSON IS A HEALTH CARE PROVIDER.
- 22
- 23 B. NO PERSON SHALL ADVERTISE, USE THE TITLE OF OR OTHERWISE
- 24 HOLD THEMSELVES OUT AS A MESSAGE THERAPIST, MASSEUSE,
- 25 MASSEUR OR MESSAGE PRACTITIONER UNLESS SUCH PERSON IS
- 26 LICENSED BY THE STATE TO PROVIDE MESSAGE OR MESSAGE-
- 27 RELATED SERVICES OR IS A HEALTH CARE PROVIDER.
- 28
- 29 C. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL
- 30 HAVE THE MEANINGS INDICATED IN THIS SUBSECTION:
- 31 1. ENGAGING IN THE BUSINESS OF PROVIDING MESSAGES OR
- 32 RELATED SERVICES MEANS ADMINISTERING FOR
- 33 COMPENSATION OR HIRE MESSAGES OR A METHOD OF
- 34 TREATING THE SUPERFICIAL PARTS OF THE HUMAN BODY
- 35 THROUGH PHYSICAL CONTACT WITH OR BY RUBBING,
- 36 STROKING, KNEADING, TAPPING, ROLLING, POUNDING OR
- 37 VIBRATION FOR THE PURPOSES OF RELAXATION, HYGIENE OR
- 38 IMPROVEMENT OF PHYSICAL APPEARANCE, MUSCLE TONE OR
- 39 CIRCULATION.
- 40 2. HEALTH CARE PROVIDER MEANS A HEALTH CARE PROVIDER
- 41 WHO HOLDS A CURRENT, VALID LICENSE ISSUED UNDER AS
- 42 TITLE 8, INCLUDING CHIROPRACTORS, NATUROPATHS,

1 PHYSICIANS, NURSES, PHYSICAL THERAPISTS AND OTHER SUCH  
2 HEALTH CARE PROVIDERS, WHO ARE AUTHORIZED UNDER THIS  
3 LICENSE TO PERFORM MASSAGE THERAPY AS A PART OF THEIR  
4 LICENSED PRACTICE.

5 3. MASSAGE MEANS THE TREATMENT OF THE HUMAN BODY BY  
6 SOFT TISSUE MANIPULATION, METHODOLOGICAL PRESSURE,  
7 FRICTION OR THE KNEADING OF THE BODY THROUGH THE USE  
8 OF TECHNIQUES INCLUDING BUT NOT LIMITED TO EFFLEURAGE,  
9 PETRISSAGE, FRICTION OR TAPOTEMENT, BUT NOT INCLUDING  
10 FLAGELLATION, AS THOSE TERMS ARE DEFINED IN A  
11 RECOGNIZED MEDICAL DICTIONARY SUCH AS BUT NOT LIMITED  
12 TO TABER'S CYCLOPEDIA OF MEDICAL DICTIONARY, 17TH EDITION,  
13 F.A. DAVIS COMPANY, 1989.

14 4. MASSAGE PRACTITIONER MEANS A PERSON WHO IS LICENSED  
15 BY THE STATE OR IS QUALIFIED FOR A LICENSE TO PROVIDE  
16 MASSAGE OR MASSAGE RELATED SERVICES.

17  
18 D. LICENSE.

19 NOTHING IN THIS SECTION SHALL REQUIRE A PERSON OWNING OR  
20 OPERATING A MASSAGE BUSINESS TO OBTAIN A LICENSE FROM THE  
21 STATE PROVIDED SUCH PERSON DOES NOT PERSONALLY PROVIDE  
22 MASSAGES OR HOLD HIMSELF OR HERSELF OUT TO THE PUBLIC AS  
23 PERSONALLY PROVIDING MASSAGES OR AS A MASSAGE THERAPIST.]

24  
25 (CAC 6.28.040; AO No. 78-23; AO No. 85-26; AO No. 94-38(S-2), § 1, 7-12-94; AO  
26 No. 94-230(S-1), § 1, 1-31-95; AO No. 2009-70, § 1, 6-23-09, AO No. 2015-78, § 3, 7-  
27 28-15)

28  
29 **10.40.015 Prohibited acts by holders of adult-oriented establishment license**  
30 **[OR MASSAGE PRACTITIONER LICENSE].**

31  
32 A person holding an adult-oriented establishment license [OR A MASSAGE  
33 PRACTITIONER LICENSE] shall not:

- 34  
35 A. Operate the business or engage in the licensed activity between the hours of  
36 2:00 a.m. and 6:00 a.m.  
37 B. Lock patrons inside any part of the premises during business hours.  
38 C. Solicit for another person, engage in or offer to engage in an act of prostitution,  
39 cunnilingus or fellatio with a business invitee.  
40 D. Intentionally expose their genitals to a business invitee or intentionally touch the  
41 genitals of a business invitee.  
42

(CAC 6.28.050; AO No. AO No. 93-157(S-6), § 2, 5-1-94; AO No. 2009-70, § 1, 6-23-09)

\* \* \* \* \*

**Section 2.** Anchorage Municipal Code Title 10 is amended by adding and enacting a new Chapter 10.41 to read as follows:

**Chapter 10.41 – MASSAGE ESTABLISHMENT LICENSE**

- 10.41.005 – Purpose.
- 10.41.010 – Introduction.
- 10.41.015 – Definitions.
- 10.41.020 – License Required.
- 10.41.025 – Exemptions.
- 10.41.030 – License Term and Expiration, Application and Renewal.
- 10.41.035 – License Qualifications and Responsibilities.
- 10.41.040 – License Denial, Revocation and Suspension.
- 10.41.045 – Right of Appeal.
- 10.41.050 – Operating and Sanitary Requirements.
- 10.41.055 – Illegal Acts.
- 10.41.060 – Violations and Penalties.
- 10.41.065 – Severability.

**10.41.005 – Purpose.**

The primary purpose and intent of this chapter is to prevent a massage operator or business from using what appears to be a legitimate business as a subterfuge for prostitution or other illicit sexual activity. The secondary purpose of this chapter is to impose minimal health and sanitary requirements on massage activities. The issuance of a license under this chapter is not intended to be, nor should it be construed as, an approval by the Municipality of Anchorage of the ability, skill or qualifications of the licensee to practice the art of massage.

**10.41.010 – Introduction.**

It is unlawful for any person, corporation or other legal entity to suffer, cause or permit the operation of a massage establishment or for a person to operate as an agent, manager or employee, except in strict compliance with this chapter.

**10.41.015 – Definitions.**

For the purposes of this chapter, the words, terms and phrases used in this section have the meanings described below unless the context clearly requires a different meaning.

1 “Applicant” means any person or persons who submits an application for a  
2 massage establishment license.

3  
4 “Application” means the document completed and submitted by an applicant for  
5 a Municipality of Anchorage massage establishment license, including all  
6 required supporting information and documentation.

7  
8 “Chair massage” means a massage administered by a clothed massage  
9 therapist to the scalp, face, neck, shoulder, back area (above the waist), arm,  
10 hand, knee, leg (below the knee), ankle, or foot of another person, who is fully  
11 clothed, utilizing a massage chair.

12  
13 “Client” means an individual who enters into an agreement for a massage,  
14 massage therapy, or any other service within a massage establishment, for  
15 compensation of any kind within the Municipality.

16  
17 “Employee” means any person employed by a massage establishment who is  
18 not an owner, a manager, or a massage therapist.

19  
20 “Fully clothed” means clothed from two inches below the clavicle to mid-thigh,  
21 including the torso, in opaque clothing. Paint does not meet the definition of  
22 clothed.

23  
24 “Hotel” means any lodging establishment required to remit transient occupancy  
25 taxes to the Municipality of Anchorage under applicable provisions of the  
26 Anchorage Municipal Code.

27  
28 “License” means the license to operate a massage establishment as required  
29 by this chapter.

30  
31 “Licensing officer” means the Anchorage Municipal Clerk, a sworn Peace  
32 Officer, a Code Enforcement Officer, or a designee of the Anchorage Municipal  
33 Clerk authorized to administer this chapter.

34  
35 “Licensee” means a holder of a license under this chapter.

36  
37 “Manager” means:

- 38 1. Any person who oversees or directs any element or aspect of the  
39 operation of a massage establishment.  
40 2. Evidence that a person is a manager may include, but is not  
41 limited to, indicia that the person has power or authority to:

- 1                                   3.     Hire, fire, or discipline the massage establishment’s employees or  
2                                   massage therapists; or
- 3                                   a.     Set or control the massage establishment’s hours of  
4                                   operation; or
- 5                                   b.     Create rules or policies applicable to the massage  
6                                   establishment’s operation, or its employees or massage  
7                                   therapists; or
- 8                                   c.     Spend money on behalf of the massage establishment.
- 9                                   4.     A manager may be:
- 10                                  a.     The owner of a massage establishment; or
- 11                                  b.     An employee of a massage establishment; or
- 12                                  c.     A massage therapist.

13  
14                                  “Massage” means any method of pressure on, or friction against, or stroking,  
15                                  kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts  
16                                  of the human body with the hands or other parts of the body or with the aid of  
17                                  any mechanical or electrical apparatus, or other appliances or devices, with or  
18                                  without the use of rubbing alcohol, liniment, antiseptic, oil, powder, cream,  
19                                  lotion, ointment or other similar preparations. Massage includes, but is not  
20                                  limited to, shiatsu, acupressure or similar activities. For purposes of this  
21                                  chapter, the terms “massage” and “massage therapy” are included in this  
22                                  definition and may be used interchangeably.

23  
24                                  “Massage establishment” means any establishment having a fixed place of  
25                                  business where any person provides, receives, or permits others to provide or  
26                                  receive massage services. Massage establishment engages in, conducts,  
27                                  carries on, or permits massage or massage therapy to be conducted or carried  
28                                  on, for money or other consideration and includes, but is not limited to, any  
29                                  beauty salon, spa facility, health and fitness center or tanning salon in which  
30                                  massage services are provided to customers.

31  
32                                  “Massage therapist” means any person, professionally licensed by the State of  
33                                  Alaska, who provides massage services to another person.

34  
35                                  “Municipal Clerk” means the Anchorage Municipal Clerk or designee of the  
36                                  Anchorage Municipal Clerk.

37  
38                                  **10.41.020 – License Required.**

- 39                                  A.     No owner or manager of a massage establishment shall permit or allow any  
40                                  person to engage in, or attempt to engage in, the practice of massage therapy  
41                                  within a massage establishment unless the massage establishment:

1. Possesses a valid Municipality of Anchorage massage establishment license, or
2. Is exempted by this Code from the massage establishment license requirement.

**10.41.025 – Exemptions.**

A. The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;
2. Public and private secondary schools or accredited colleges and universities eligible to disburse federal financial aid, and the athletic programs of such schools, colleges, and universities;
3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by professional sports franchises. Where a sports venue shares a structure with another business or businesses, such as a hotel or motel, this exemption shall not apply to the other existing business/businesses within the structure where massage or massage therapy may take place;
4. Athletic clubs at which massage may be conducted on the members or guests of the club;
5. The business locations of persons currently certified or licensed in or by the state of Alaska in medicine, surgery, osteopathy, physical therapy, chiropractic, podiatry, nursing, or kinesiology;
6. The business locations of persons currently certified or licensed in or by the state of Alaska in massage therapy who solely provide massage therapy to persons that are prescribed, by a written order, directing the treatment to be given and signed by a regularly licensed physician, or health care practitioner, and who are also sponsored by the physician or health care practitioner to accept insurance payments.
7. The business locations in which barbers and cosmetologists, currently licensed by the state of Alaska, practice massage limited to the neck, face, scalp, hair, hands, or feet, when such massage is conducted in conjunction with a cosmetic service such as a haircut or styling, shave, manicure, or pedicure.
8. A massage establishment in which only one (1) massage therapist is employed or practices massage or massage therapy. Any massage establishment having two (2) or more massage therapists employed or practicing massage or massage therapy shall not qualify for this exemption.
9. A client's temporary or permanent place of residence;
10. Wellness programs; or
11. Chair massages where the client is fully clothed.

**10.41.030 – License Term and Expiration, Application and Renewal.**

- 1  
2  
3 A. Every massage establishment license shall be valid for a period of one (1) year  
4 from the date of issuance, unless suspended, revoked, or surrendered prior to  
5 expiration.  
6 B. Every application for a new or renewed massage establishment license shall  
7 be:  
8 1. Made upon the form provided by the Municipal Clerk; and  
9 2. Filed with the Municipal Clerk; and  
10 3. Accompanied by a \$50.00 non-refundable application fee, which shall  
11 be waived for the first year of implementation of the ordinance in 2015;  
12 and  
13 4. Completed to the satisfaction of the municipal clerk; and  
14 5. Signed by every person who is an owner or manager of a massage  
15 establishment.  
16 C. An application for a massage establishment license shall be made to the  
17 municipal clerk on a form approved by the municipal clerk and the applicant  
18 shall provide all required information including the following items and  
19 attachments at the time the application is submitted:  
20 1. The business name, location, and mailing address of the massage  
21 establishment; and  
22 2. A copy of the occupancy permit for the building in which the massage  
23 establishment will operate; and  
24 3. The following information and documents for every owner and manager  
25 of the massage establishment:  
26 a. Full name and all aliases;  
27 b. Residential address;  
28 c. Telephone number;  
29 d. Social Security Number;  
30 e. Date of birth;  
31 g. A photocopy of valid state-issued photo identification; and  
32 h. Employment history, for the five (5) years preceding the  
33 application date;  
34 i. Authorization to perform a background investigation and criminal  
35 history check; and  
36 j. A complete list of all criminal judgments, notwithstanding the form  
37 of judgment and including withheld judgments, deferred  
38 judgments, and bond forfeitures, against every owner and  
39 manager for any offense other than traffic infractions for the ten  
40 (10) years preceding the application date. The Municipal Clerk  
41 may require additional information, including, but not limited to,



1 the date, place, and nature of the crime that resulted in the  
2 judgment.

3 i. Owners and/or managers that are also licensed to practice  
4 massage therapy by the State of Alaska may be exempt from  
5 this provision and may submit a photocopy of the massage  
6 therapist license issued by the State of Alaska in lieu of the list.

7 4. A photocopy of the massage therapist license issued by the State of  
8 Alaska for every person who performs or will perform massage or  
9 massage therapy in the massage establishment during the term of the  
10 massage establishment license.

11 5. Menu of services provided by massage therapists employed by the  
12 massage establishment.

13 6. All other information deemed reasonably necessary by the Municipal  
14 Clerk.

15 D. It is the massage establishment operator's responsibility to ensure the license  
16 application is filed timely with the municipal clerk to avoid a lapse in lawful  
17 operation prior to renewal. Renewal applications filed at least 30 days before  
18 expiration of the municipal license are timely. Applications filed less than 30  
19 days before expiration of the tow operator's municipal license do not qualify for  
20 temporary municipal license renewal under [section 10.10.030](#).

21  
22 **10.41.035 – License Qualifications and Responsibilities.**

23 A. Background Investigation and Criminal History Check; every owner and  
24 manager shall request a Criminal Justice Information Report (background  
25 check) from the Alaska Criminal History Record Repository, Department of  
26 Public Safety, covering all criminal charges and dispositions.

27 1. Such report shall be mailed or faxed directly from the Department of  
28 Public Safety to the Municipal Clerk's office; and

29 2. The cost of the required background investigation and criminal history  
30 check, which are both non-refundable, shall be borne by the applicant.

31 3. Unless otherwise provided by law, criminal history records are  
32 confidential and shall not be disseminated to any private person or entity.

33 B. No massage establishment license shall be issued to any applicant if any  
34 person required to be on the application:

35 1. Is under the age of eighteen (18) years; or

36 2. Is not the bona fide owner or lessee of the premises within which the  
37 massage establishment is to be operated; or

38 3. Within the ten (10) years preceding the date of application, pleaded guilty  
39 or no contest to or was found guilty of any of the offenses named in  
40 Articles 1, 2, 3, and/or 4 of Chapter 11.41 of the Alaska Statutes or  
41 identified by similar name or elements under Anchorage municipal code  
42 or the law of another jurisdiction, and offenses included as a sexual

- 1 offense under the law of another jurisdiction regardless of the form  
2 of judgment; or  
3 4. Within the five (5) years preceding the date of application, pleaded guilty  
4 to or was found guilty of any misdemeanor criminal violation, regardless  
5 of the form of judgment, which involved:  
6 a. Theft, larceny, or other dishonest act or omission, or  
7 b. The use, possession, or sale of illicit drugs or drug paraphernalia.  
8 c. Has, at the time of application, an outstanding warrant for his or  
9 her arrest, detainment, extradition, or deportation; or  
10 d. Was denied a similar license by the Municipality of Anchorage or  
11 by any other governmental entity, or had a similar license  
12 suspended or revoked within the five (5) years preceding the date  
13 of application.
- 14 C. The Municipal Clerk shall not issue a massage establishment license to any  
15 applicant if it is determined that the application included any false, misleading,  
16 or fraudulent information.
- 17 D. A massage establishment shall not be issued a license, and an existing license  
18 shall be revoked pursuant to the revocation authority set forth in this chapter, if  
19 the operation of the massage establishment is found to violate any existing law,  
20 ordinance, or regulation, including, but not limited to, building, zoning, and  
21 health regulations. Issuance of a massage establishment license does not  
22 exempt any person from obedience to any other law, ordinance, or regulation.
- 23 E. Every owner and manager shall have an affirmative continuing duty to notify the  
24 Municipal Clerk in writing within fifteen (15) business days of any change to the  
25 information provided on their license application.
- 26 F. Every massage establishment, and every owner and manager listed on the  
27 license application, shall continue to have and maintain all of the qualifications  
28 and none of the disqualifications provided in this chapter throughout the license  
29 period.  
30

31 **10.41.040 – License Denial, Revocation and Suspension.**

- 32 A. License Denial
- 33 1. In the event the Municipal Clerk determines that an applicant fails to  
34 qualify for a Municipality of Anchorage massage establishment license,  
35 the Municipal Clerk shall deny that applicant a license.
- 36 2. Notice of a denial shall be deemed properly served if sent by United  
37 States Postal Service Certified Mail to the address provided by the  
38 applicant or if hand-served upon the applicant. An applicant's failure to  
39 accept, acknowledge, or receive notification of a denial shall not  
40 invalidate the denial, provided notice was served as prescribed by this  
41 section.

3. Notice of a license denial shall include the grounds upon which the revocation is based, and shall include a statement that informs the applicant of his or her right to appeal the denial.
4. A license issued in error, upon discovery by or notice to the Municipal Clerk, shall be deemed denied and shall be null, void, and invalid effective at the earlier of:
  - a. Immediately upon service of the notice of denial, if the required notice is hand-served upon the applicant or licensee; or
  - b. Twelve o'clock (12:00) a.m. on the third (3rd) day following the date written notice of the denial is sent to the applicant/licensee.The applicant/licensee shall have the right to appeal the denial, as set forth in this chapter.

**B. License Suspension and Revocation**

1. The suspension and revocation provisions in sections 10.10.035 – 10.10.140 shall apply to the massage establishment license.
2. In addition to other remedies set forth in this title, failure to comply with the requirements of this chapter shall constitute grounds for suspension, revocation, or other restriction of the massage establishment license.
3. If an administrative hearing is conducted for findings and conclusions regarding suspension, revocation, or restriction of a massage establishment license, such hearing shall be conducted pursuant to chapter 3.60.

**10.41.045 Right of Appeal.**

- A. The appeals from decisions of municipal clerk provisions in section 10.10.045 shall apply to the massage establishment license.

**10.41.050 – Operating and Sanitary Requirements.**

- A. Every massage establishment shall be constructed, operated, and maintained in compliance with the following minimum standards and requirements:
1. Physical Facilities
    - a. All massage therapy in a massage establishment shall be in a room, cubicle, or area dedicated to that purpose.
    - b. Steam rooms, shower compartments, steam compartments, tub compartments, toilet rooms, and adjacent exit areas shall have smooth, nonabsorbent, and easily cleanable floors and walls.
    - c. Floors of wet and dry heat rooms shall be adequately sloped to one or more floor drains properly connected to an approved sewer system, except that dry heat rooms with wooden floors need not be provided with sloped floors and floor drains.

- d. A source of water, compliant with the Uniform Plumbing Code (as adopted and as amended by Chapter 23.25, Anchorage Municipal Code), shall be available within the immediate area of the dry and wet heat rooms to facilitate cleaning.
- e. The premises shall be equipped with facilities and equipment for disinfecting or sanitizing non-disposable instruments and materials used to administer massages.
- f. Massage tables, exercise tables, and benches shall have easily cleanable upholstery or other approved material covering the entire surface that may come into contact with a client during a massage.
- g. Pools, tubs, and similar equipment designed for multiple use without the water being changed, shall comply with Anchorage Municipal Code Title 16, Chapter 15, and all state and other applicable laws. The water contained in tubs, baths, and similar equipment designed for a single use shall be emptied after each use, thoroughly cleaned, and properly sanitized prior to the next use.
- h. No massage establishment shall be used as a shelter or living quarters for any person. No owner or manager shall allow a licensed massage establishment to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of a massage establishment operated as a home occupation, as defined by Anchorage Municipal Code Title 21, are exempt from this prohibition. If a massage establishment is located within, but is ancillary to, a business such as a hotel or motel, this prohibition shall apply only to the areas designed, designated, or used as a massage establishment.
- i. Restroom and toilet facilities shall be provided in a convenient location separate from a room in which massage is performed, to provide privacy.
- j. Each hand-washing facility shall include hot and cold running water, soap or detergent, and sanitary single service towels or an air hand dryer. A common towel shall not be provided or used for hand drying.
- k. No room, cubicle, or area that is designed to accommodate the practice of massage or massage therapy shall have a door that is equipped with a locking mechanism.

2. Cleaning and Maintenance

- a. Every appliance, exercise table, and every other piece of equipment, furniture, or apparatus within a massage

- 1 establishment shall be kept clean, in good repair, and maintained  
2 in a sanitary condition.
- 3 b. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor  
4 cabinets, shower compartments, and toilet facilities and rooms  
5 shall be thoroughly cleaned after each day the establishment is in  
6 operation.
- 7 c. Every massage establishment shall provide clients with clean,  
8 sanitized sheets, towels, or other linens. No common use of  
9 sheets, towels, or other linens shall be permitted.
- 10 e. Every instrument, apparatus, equipment, or appliance designed to  
11 be reused shall be sanitized or disinfected after each use.
- 12 2. Managers, Massage Therapists, and Employees
- 13 a. Every manager, massage therapist, and employee shall maintain  
14 a high degree of personal hygiene by wearing clean clothes, and  
15 conduct the business and operations of the massage  
16 establishment in a sanitary and hygienic manner.
- 17 b. Every massage therapist shall wash their hands thoroughly after  
18 going to the bathroom, smoking, or eating, and before and after  
19 administering a massage or treatment on each client, and as often  
20 as necessary to remove soil and contamination during a massage  
21 therapy or treatment session.
- 22 c. No massage therapist shall administer a massage or give  
23 treatment if he or she knows, or should know, that he or she has  
24 any contagious or communicable disease.
- 25 3. Hours of Operation. Every massage establishment shall be closed for  
26 business between the hours of 10:00 p.m. and 7:00 a.m.
- 27 B. Required Records
- 28 1. Every massage establishment shall keep and maintain:
- 29 a. A book containing the names, dates of birth, and a legible  
30 photocopy of the Alaska massage license of every massage  
31 therapist employed by or contracting with the massage  
32 establishment; and
- 33 b. A menu of all services available at the massage establishment,  
34 including the price for each service, which shall be posted in plain  
35 view of clients.
- 36 c. A log including the date, time, and type of massage or massage  
37 therapy service performed, the amount of money or other  
38 payment received from the client, including the amount of tip or  
39 gratuity.
- 40 2. Every document and record required by this chapter shall be dated and  
41 kept at the massage establishment for a minimum period of one (1) year  
42 from the date of the last record contained therein, and on or off the

1 premises for the period required by state law or the rules, code of ethics,  
2 or standards of practice of the Alaska State Board of Massage Therapy.  
3 3. Every owner, manager, massage therapist, and employee shall  
4 immediately present the records required herein for inspection or review  
5 upon request of a Licensing Officer.

6 D. Insurance Required

- 7 1. Every owner shall possess a policy of insurance that provides liability  
8 coverage for all foreseeable risks that may arise from the operation of a  
9 massage establishment and from the practice of massage therapy.  
10 2. Every massage therapist performing massage or massage therapy at the  
11 massage establishment shall be covered by the policy of insurance  
12 required by this chapter.  
13 3. Every owner shall maintain, at the massage establishment, documentary  
14 proof of compliance with the insurance requirements contained in this  
15 chapter.

16 E. Inspections

- 17 1. A Licensing Officer may, at any time during business hours and as  
18 frequently as reasonably necessary to ensure compliance, inspect any  
19 massage establishment.  
20 2. Every massage establishment shall obtain and receive every other  
21 inspection required by law, including, but not limited to, inspections  
22 performed by the Anchorage Fire Department, the Building Inspector, the  
23 Municipal Health Department, and any other department or agency  
24 authorized to conduct a required inspection.  
25

26 **10.41.055 – Illegal Acts.**

27 In addition to the illegal acts and omissions proscribed throughout this chapter, each of  
28 the following acts or omissions shall be unlawful:

- 29 A. Licenses Required; no owner or manager of a massage establishment shall  
30 permit or allow any person to engage in, or attempt to engage in, the practice of  
31 massage therapy within the massage establishment unless the massage  
32 establishment:  
33 1. Possesses a valid Municipality of Anchorage massage establishment  
34 license, or  
35 2. Is exempted by Anchorage Municipal Code from the massage  
36 establishment license requirement.
- 37 B. Licenses - Generally
- 38 1. Every massage establishment license issued pursuant to this chapter  
39 shall remain the property of the Municipality of Anchorage, and shall be  
40 surrendered to the Municipal Clerk within seventy two (72) hours of  
41 suspension, revocation, or expiration, or immediately upon demand by a  
42 Licensing Officer.

- 1 2. No person shall have in his or her possession a massage establishment  
2 license issued pursuant to this chapter that has been denied, suspended  
3 or revoked, or that has expired.
- 4 3. No massage establishment license shall be transferred.
- 5 4. Every owner and manager shall notify the Municipal Clerk in writing  
6 within fifteen (15) business days upon the change of any of the  
7 information provided in the massage establishment license application  
8 submitted to the Municipal Clerk.
- 9 5. Every applicant, massage therapist, manager, and owner shall continue  
10 to have and maintain all the qualifications, and none of the  
11 disqualifications, for licensure pursuant to this chapter.
- 12 6. Every applicant, massage therapist, manager, and owner shall notify the  
13 Municipal Clerk within two (2) business days in the event any person  
14 whose name appears on an application for a massage establishment  
15 license loses any qualification or gains any disqualification for licensure  
16 pursuant to this chapter.
- 17 7. Every massage establishment license and state-issued massage  
18 therapist license shall be posted in the massage establishment at all  
19 times, and shall be in full and clear view of clients and potential clients.
- 20 8. Every owner, manager, and massage therapist, upon request of a  
21 Licensing Officer or any client, shall immediately present all required  
22 licenses for inspection.
- 23 9. No manager or owner shall employ or allow any person to perform  
24 massage or massage therapy in a massage establishment under their  
25 management or ownership, unless such person possesses a valid  
26 massage therapy license issued by the state of Alaska or is specifically  
27 exempted in state statute from the requirement to possess a state  
28 massage therapist license.
- 29 10. No person with any license governed by this chapter that has expired or  
30 has been suspended or revoked shall engage in the practice of massage  
31 or massage therapy, or attempt to practice massage or massage therapy  
32 in a massage establishment.
- 33 11. No person shall include any false or misleading information on an  
34 application for a massage establishment license.
- 35 12. No person shall operate or run a massage establishment with a  
36 suspended or revoked license.
- 37 17. No owner, manager, massage therapist, or employee shall perform,  
38 solicit or in any way make available or permit others to make available  
39 any service that is not specifically listed on the menu of services  
40 provided with the license application and that is not a legitimate,  
41 recognized massage service. Independent massage technicians must  
42 not perform, solicit or in any way make available or permit others to

1 make available any service that is not a legitimate, recognized massage  
2 service in the course of providing massage services.  
3

4 C. Massage Establishments - Construction, Operation, and Maintenance

- 5 1. Every massage establishment shall comply with the minimum operating  
6 and sanitary requirements of Anchorage Municipal Code section  
7 10.41.050.
- 8 2. No massage establishment shall operate or be open for business  
9 between the hours of 10:00 p.m. and 7:00 a.m.
- 10 3. No massage establishment shall conduct or operate on the same  
11 premises whereon is also conducted the business of a cocktail lounge,  
12 photography studio, model studio, art studio, telephone answering  
13 service, motion picture theater or adult-oriented business.
- 14 4. The owner and manager of every massage establishment shall notify the  
15 Municipal Clerk in writing within two business (2) days of every change in  
16 ownership or management of the massage establishment.
- 17 5. The owner and manager of every massage establishment shall notify the  
18 Municipal Clerk in writing within two business (2) days of every change in  
19 massage therapists employed by, or working at, the massage  
20 establishment, whether such change is by new or renewed employment,  
21 termination or discharge, transfer, or other employment change.
- 22 7. No person shall perform massage or massage therapy in any cubicle,  
23 room, or area equipped with a locking door.
- 24 8. No person shall perform massage or massage therapy in a hotel room.
- 25 9. No Living or Sleeping in Massage Establishment
  - 26 a. No person shall use a massage establishment as housing, living  
27 quarters, or sleeping quarters.
  - 28 b. No owner or manager shall permit or allow a massage  
29 establishment to be used as housing, living quarters, or sleeping  
30 quarters by any person.
  - 31 c. Home occupations, as defined in Anchorage Municipal Code Title  
32 21, are exempted from this prohibition.

33 D. Other Unlawful Practices

- 34 1. No owner, manager, massage therapist, or employee shall allow or  
35 permit any person under the age of eighteen (18) years to come into or  
36 remain in any massage establishment without parental approval.
- 37 2. No owner, manager, massage therapist, or employee shall sell, give,  
38 dispense, provide, or keep, or cause or permit to be sold, given,  
39 dispensed, provided, or kept, any alcoholic beverage or liquor within any  
40 massage establishment.
- 41 4. No owner, manager, massage therapist, or employee shall sell, give,  
42 dispense, provide, or keep, or cause or permit to be sold, given,



- 1 dispensed, provided, or kept, marijuana within any massage  
2 establishment.
- 3 5. No owner, manager, massage therapist, or employee shall initiate or  
4 engage in any sexual contact or sexual act in any massage  
5 establishment.
- 6 6. No owner, manager, massage therapist, or employee shall keep, or allow  
7 to be kept, within any massage establishment any item known as or  
8 commonly used as a marital or sexual aid, including, but not limited to,  
9 any contraceptive item or device, vaginal or anal lubricant, or any sex  
10 toy.
- 11 7. No owner, manager, massage therapist, or employee shall solicit,  
12 initiate, engage in, permit, or allow any act that violates Alaska Statutes  
13 sections 08.61 et seq., the Regulations of the Alaska State Board of  
14 Massage Therapy, or the code of ethics or standards of practice set forth  
15 by the Alaska State Board of Massage Therapy.
- 16 8. No owner, manager, massage therapist, or employee shall engage in  
17 unprofessional conduct, including but not limited to the following:
- 18 a. Engaging in sexually suggestive advertising related to massage  
19 services.
- 20 b. Engaging in any form of sexual activity on the premise of a  
21 massage establishment where massage is provided for  
22 compensation.
- 23 c. Engaging in any form of sexual activity while providing massage  
24 services for compensation.
- 25 14. No owner, manager, massage therapist, or employee shall dress, while  
26 engaged in the practice of massage for compensation or while visible to  
27 clients in massage establishment, in any of the following:
- 28 a. Attire that is transparent, see-through, or substantially exposes  
29 the massage practitioner's undergarments.
- 30 b. Swim attire, if not providing a water-based massage modality.
- 31 c. A manner that exposes the massage practitioner's breasts,  
32 buttocks, or genitals.
- 33 15. No owner, manager massage therapist, or employee shall allow  
34 television or video equipment in any room where massage services are  
35 being provided, but a security surveillance monitor that can only receive  
36 images of the inside of the establishment may be located in these rooms  
37 at any time.
- 38 16. No owner, manager, massage therapist, or employee shall exchange  
39 money with any client for any purpose in the massage rooms.
- 40  
41  
42

**10.41.060 – Violations and Penalties.**

1 A. Violations.

2 Every violation of a provision of this chapter shall be a misdemeanor.

3 B. Misdemeanor Criminal Penalty.

4 Every misdemeanor violation of the provisions of this chapter shall be  
5 punishable by a fine not exceeding one thousand dollars (\$1,000.00),  
6 imprisonment in the municipal jail not to exceed six (6) months, or both such  
7 fine and imprisonment

8 C. Administrative License Penalty.

9 In addition to the misdemeanor criminal penalties provided by this chapter,  
10 every person who violates any provision of this chapter shall be subject to the  
11 administrative license penalties of license denial, license revocation, or license  
12 suspension, as set forth herein.

13  
14 **10.41.065 – Severability.**

15 The provisions of this chapter are severable. Should any sentence, section, or other  
16 part of this chapter be held invalid, such invalidity shall not affect the remaining  
17 provisions of this chapter, which shall continue to remain in full force and effect.

18  
19 **Section 3.** This ordinance shall become effective November 1, 2015.

20  
21 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
22 \_\_\_\_\_, 2015.

23  
24  
25  
26 \_\_\_\_\_  
27 Chair

28 ATTEST:

29  
30 \_\_\_\_\_  
31 Municipal Clerk  
32