

Submitted by: Chair of the Assembly at the
Request of the Acting Mayor,
Assemblymember Selkregg

Prepared by: Dept. of Law
For reading: May 26, 2009

CLERK'S OFFICE

APPROVED

6-23-09

ANCHORAGE, ALASKA

AO No. 2009-70

Date: _____

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
2 SECTIONS 10.40.010 AND 10.40.015 REGARDING MESSAGE PRACTITIONER
3 LICENSE REQUIREMENTS.
4

5
6 THE ANCHORAGE ASSEMBLY ORDAINS:
7

8 **Section 1.** Anchorage Municipal Code section 10.40.010 is amended to read as
9 follows (*the remainder of the section is not affected and therefore not set out*):
10

11 **10.40.010 Message practitioner license required; issuance.**
12

13 A. No person may engage in the business of providing or otherwise
14 provide as a service to the public, massages or related services as an
15 owner, operator, employee or contractor, or massage therapist without
16 first obtaining a massage practitioner license from the municipal clerk,
17 unless such person is a health care provider.
18

19 [1. NO PERSON MAY ENGAGE IN THE BUSINESS FOR HIRE, EITHER PROFIT
20 OR NONPROFIT, OF PROVIDING FLAGELLATION AS A METHOD OF
21 MASSAGE, UNLESS AUTHORIZED UNDER THEIR LICENSES TO PROVIDE
22 SUCH SERVICES AS A HEALTH CARE PROVIDER CURRENTLY LICENSED
23 UNDER AS TITLE 8.]
24

25 B. No person shall advertise, use the title of or otherwise hold themselves
26 out as a massage therapist, masseuse, masseur or massage
27 practitioner unless such person is licensed to provide massage or
28 massage-related services under this section or is a health care
29 provider.
30

31 C. For purposes of this section, the following terms shall have the
32 meanings indicated in this subsection:
33

34 1 [4]. *Engaging in the business of providing massages or related*
35 *services* means administering for compensation or hire
36 massages or a method of treating the superficial parts of the
37 human body through physical contact with or by rubbing,
38 stroking, kneading, tapping, rolling, pounding or vibration for the
39 purposes of relaxation, hygiene or improvement of physical
40 appearance, muscle tone or circulation.
41

42 2 [3]. *Health care provider* means a health care provider who holds a
43 current, valid license issued under AS Title 8, including

1 chiropractors, naturopaths, physicians, nurses, physical
2 therapists and other such health care providers, who are
3 authorized under this license to perform massage therapy as a
4 part of their licensed practice.

5
6 3 [1]. *Massage* means the treatment of the human body by soft tissue
7 manipulation, methodical pressure, friction or the kneading of
8 the body through the use of techniques including but not limited
9 to effleurage, petrissage, friction or tapotement, but not including
10 flagellation, as those terms are defined in a recognized medical
11 dictionary such as but not limited to Taber's Cyclopedic Medical
12 Dictionary, 17th edition, F.A. Davis Company, 1989.

13
14 4 [2]. *Massage practitioner* means a person who is licensed or is
15 qualified for a license to provide massage or massage related
16 services under this section.

17
18 D. License.

19
20 1. A massage practitioner licensee must be 18 years of age [,
21 PROVIDE VERIFIED EVIDENCE THAT SUCH LICENSEE IS A MASSAGE
22 PRACTITIONER] and fill out a form supplied by the municipal clerk
23 containing such other relevant information as the municipal clerk
24 may require.

25
26 a. The municipal clerk may issue a massage practitioner
27 license, valid for one [TWO] year[s], to a massage
28 practitioner fulfilling the qualifications set forth in
29 subsection D.2. of this section.

30
31 [b. THE MUNICIPAL CLERK MAY ISSUE A MASSAGE PRACTITIONER
32 LICENSE, VALID FOR ONE YEAR, TO ANY MASSAGE
33 PRACTITIONER MEETING THE QUALIFICATIONS SET FORTH IN
34 SUBSECTION D.3 OF THIS SECTION.]

35
36 2. To qualify for a license under this section, an applicant for a
37 license shall:

38
39 a. Pay a \$100 non-refundable application fee; and

40
41 b. Request a Criminal Justice Information Report
42 (background check) from the Alaska Criminal History
43 Record Repository, Department of Public Safety,
44 covering all criminal charges and dispositions.

45
46 i. Such report shall be mailed or faxed directly from
47 the Department of Public Safety to the Municipal
48 Clerk's office; and

49

1 ii. Shall confirm the applicant's record is free of any
2 conviction for prostitution or sexual assault within
3 the past ten years.
4

5 c [A]. Have graduated from a post-secondary education school
6 of massage therapy, approved by any state, which
7 required the successful completion of a program of at
8 least 500 hours of supervised instruction; or
9

10 [**HOLD A CURRENT, VALID LICENSE AS A MESSAGE**
11 **PRACTITIONER FROM ANOTHER STATE THAT REGULATES**
12 **MESSAGE PRACTITIONERS OR MESSAGE THERAPISTS AND**
13 **DEFINES MESSAGE, MESSAGE PRACTITIONERS AND LICENSED**
14 **MESSAGE PRACTITIONERS ON A BASIS SUBSTANTIALLY SIMILAR**
15 **TO THIS SECTION; OR]**
16

17 d [c]. Hold a current certification as a massage therapist by a
18 national certification board or a national certification
19 program for massage and body work meeting standards
20 similar to those for persons currently licensed under AS
21 8.84 as a physical therapist.
22

23 3 [4]. Nothing in this section shall require a person owning or
24 operating a massage business to obtain a license under this
25 section provided such person does not personally provide
26 massages or hold himself or herself out to the public as
27 personally providing massages or as a massage therapist.
28

29 [**AN APPLICANT MAY ALSO QUALIFY FOR A LICENSE UNDER THIS**
30 **SECTION, PROVIDED THE APPLICANT, AS OF THE EFFECTIVE DATE OF**
31 **THE ORDINANCE FROM WHICH THIS SECTION DERIVES, SHALL EITHER:**

- 32 A. **HAVE TWO OR MORE YEARS' EXPERIENCE PERSONALLY**
33 **PROVIDING MESSAGES UNDER THE DIRECT SUPERVISION OF A**
34 **MESSAGE PRACTITIONER QUALIFIED UNDER SUBSECTION D.2**
35 **OF THIS SECTION OR A HEALTH CARE PROVIDER;**
36 B. **BE KNOWN TO A MESSAGE PRACTITIONER QUALIFIED UNDER**
37 **SUBSECTION D.2 OF THIS SECTION OR A HEALTH CARE**
38 **PROVIDER TO HAVE A COMBINATION OF TWO OR MORE YEARS**
39 **OF PRACTICAL EXPERIENCE AND EDUCATION IN MESSAGE**
40 **THERAPY;**
41 C. **HAVE EITHER GRADUATED FROM A DEGREE OR CERTIFICATION**
42 **PROGRAM OR SUCCESSFULLY COMPLETED 250 HOURS OF**
43 **MESSAGE THERAPY TRAINING FROM A POST-SECONDARY**
44 **EDUCATION SCHOOL OF MESSAGE THERAPY APPROVED BY ANY**
45 **STATE; OR**
46 D. **HAVE MATRICULATED INTO ANY POST-SECONDARY EDUCATION**
47 **SCHOOL OF MESSAGE THERAPY APPROVED BY ANY STATE**
48 **PROVIDED THAT THE APPLICANT SUCCESSFULLY COMPLETES**
49 **AT LEAST 125 HOURS OF SUPERVISED INSTRUCTION IN**

1 MASSAGE THERAPY PRIOR TO JUNE 1, 1996, AND 125 HOURS
2 OF SUCH INSTRUCTION PER YEAR THEREAFTER UNTIL
3 QUALIFIED FOR A MASSAGE PRACTITIONER LICENSE UNDER
4 SUBSECTION D.2 OF THIS SECTION;

5 AND SUBMITS A VERIFIED CERTIFICATION FROM EITHER A MASSAGE
6 PRACTITIONER QUALIFIED UNDER SUBSECTION D.2 OF THIS SECTION
7 OR FROM A HEALTH CARE PROVIDER WHICH ATTESTS TO THE
8 EDUCATION, TRAINING AND EXPERIENCE CLAIMED BY THE APPLICANT
9 AND TO THE ADEQUACY OF SUCH EDUCATION, TRAINING AND
10 EXPERIENCE TO QUALIFY A PERSON TO PROVIDE MESSAGES.

11 5. THIS SECTION SHALL NOT APPLY TO EMPLOYEES OF A HEALTH CARE
12 PROVIDER WHEN PROVIDING MESSAGES ON THE HEALTH CARE
13 PREMISES AND UNDER THE DIRECT SUPERVISION OF A HEALTH CARE
14 PROVIDER.]

15
16 (CAC 6.28.040; AO No. 78-23; AO No. 85-26; AO No. 94-38(S-2), § 1, 7-12-
17 94; AO No. 94-230(S-1), § 1, 1-31-95)

18
19 **Section 2.** Anchorage Municipal Code section 10.40.015 is amended to read as
20 follows *(the remainder of the section is not affected, and therefore not set out)*:

21
22 **10.40.015 Prohibited acts by holders of adult-oriented establishment
23 license or massage practitioner [THERAPIST] license.**

24
25 A person holding an adult-oriented establishment license or a massage
26 practitioner [MASSEUR/MASSEUSE] license shall [MAY] not:

27 *** **

28
29 (CAC 6.28.050; [AO No.] AO No. 93-157(S-6), § 2, 5-1-94)

30
31 **Section 3.** This ordinance shall be effective immediately upon passage and
32 approval by the Assembly.

33
34 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of
35 June, 2009.

36
37 Debbie Chandler
38 Chair of the Assembly

39
40 ATTEST:

41 Debra S. Goulet
42
43 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-70

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
 SECTIONS 10.40.010 AND 10.40.015 REGARDING MASSAGE
 PRACTITIONER LICENSE REQUIREMENTS.

Sponsor: ACTING MAYOR
 Preparing Agency: Office of the Mayor
 Others Impacted: Clerk's Office, APD

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					
PUBLIC SECTOR ECONOMIC EFFECTS:					

PRIVATE SECTOR ECONOMIC EFFECTS:

Background checks will cost approximately \$25 at the expense of the license applicant.
 \$100 licensing fee is being amended concurrent with all other MOA licensing fees. They are now non-refundable annual fees vs. bi-annual.

Prepared by: Marge Larson

Telephone: 343-7115



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
No. AM 294-2009

Meeting Date: May 26, 2009

From: ACTING MAYOR

Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
SECTIONS 10.40.010 AND 10.40.015 REGARDING MASSAGE
PRACTITIONER LICENSE REQUIREMENTS

There are currently no state requirements regulating the practice of massage in the State of Alaska.

The current Anchorage Municipal Code for massage has not been amended since 1995 and contains very lenient criteria to become a massage practitioner. These criteria are less stringent than the industry standard. The proposed changes, other than basic housekeeping, are to protect the reputation of legitimate massage practitioners and decrease prostitution and human trafficking that operate under the guise of massage services in the Municipality.

The Clerk's Office, Mayor's Office, APD, Department of Law and representatives from the massage practitioner industry met and agreed on the following changes.

The attached ordinance accomplishes the following:

1. Requires a background check be provided upon application to ensure the massage practitioner does not have any convictions of prostitution or sexual assault within the last 10 years
2. Provides uniformity when referring to a massage practitioner versus massage therapist within the code
3. Requires a person to be licensed regardless if they work for a health care provider
4. Changes the license term from two years to one year
5. License fee is non-refundable
6. Provides two ways you can qualify for a license that are standard nationwide

Prepared by: Jacqueline Duke, Licensing Clerk – Clerk's Office
Marge Larson, Special Assistant, Mayor's Office
Approved by: Municipal Clerk, American Massage Therapy Association, APD
Concur: Sharon Weddleton, CFO
Concur: Michael K. Abbott, Municipal Manager
Respectfully submitted: Matt Claman, Acting Mayor

May 14, 2009

Mayor Claman and Anchorage Assembly

As the current president of the American Massage Therapy Association in Alaska and acting representative of our board I am writing this letter in support of the amendments to the current municipality code regarding massage therapy. Our board met and discussed the changes that Anna Remick was instrumental in putting forth to the municipality. We are collectively pleased to have some clearly defined language in place that separates us from those claiming to be part of our profession but who are actually involved in illegal activities. Also important is the requirement of background checks to ensure the safety of the public and legitimate massage therapists. Additionally we support that massage therapists practicing anywhere in the municipality have met the requirements to obtain their own license and are not permitted to work under the license of other health care practitioners. Currently this has been the case, allowing persons to be hired to do "massage therapy" without training or licensing. This again poses a threat to the safety of the public and the integrity of our profession.

We view all the measures taken in the draft proposal as supportive to the therapeutic massage professionals in Anchorage as well as protecting the well being of consumers of therapeutic massage. We hope this draft proposal is taken into consideration and instituted. We thank you for your time and consideration in this matter.

If you have further inquiries please feel free to contact me at 230-5258.

Sincerely

Jamie Elswick
President AMTA Alaska

Content ID: 007739
Type: Ordinance - AO
 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
Title: SECTIONS 10.40.010 AND 10.40.015 REGARDING MASSAGE
 PRACTITIONER LICENSE REQUIREMENTS
Author: katkusja
Initiating Dept: Mayor
Date Prepared: 5/15/09 10:55 AM
Assembly Meeting Date: 5/26/09
Public Hearing Date: 6/9/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	5/15/09 12:31 PM	Exit	Joy Maglaqui	Public	007739
MuniMgrCoord_SubWorkflow	5/15/09 12:31 PM	Approve	Joy Maglaqui	Public	007739
MuniManager_SubWorkflow	5/15/09 12:31 PM	Approve	Joy Maglaqui	Public	007739
Legal_SubWorkflow	5/15/09 12:30 PM	Approve	Rhonda Westover	Public	007739
Finance_SubWorkflow	5/15/09 12:29 PM	Approve	Sharon Weddleton	Public	007739
Finance_SubWorkflow	5/15/09 12:26 PM	Checkin	Jo Katkus	Public	007739
OMB_SubWorkflow	5/15/09 11:41 AM	Approve	Bruce Holmes	Public	007739
Mayor_SubWorkflow	5/15/09 11:01 AM	Approve	Joy Maglaqui	Public	007739
AllOrdinanceWorkflow	5/15/09 11:00 AM	Checkin	Joy Maglaqui	Public	007739
Mayor_SubWorkflow	5/15/09 10:59 AM	Reject	Joy Maglaqui	Public	007739
AllOrdinanceWorkflow	5/15/09 10:56 AM	Checkin	Joy Maglaqui	Public	007739