


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: May 22, 2023
Item No.: 10.j

Department Approval

City Manager Approval



Item Description: Approve an Amendment to City Code Chapter 309: Massage Therapy

BACKGROUND

The City Council has discussed the regulation of massage therapists and massage therapy establishments (Chapter 309) several times over the past 18 months.

At the April 24 meeting Council approved Ordinance No. 1631 resulting in numerous changes to Chapter 309.

It was noted that Section 309.03(C) failed to include certain medical professions in the exceptions for massage therapists. Therefore, the ordinance needs to be amended to list the statutes under which the various relevant professionals are licensed.

The changes are shown in Attachment A.

POLICY OBJECTIVE

Among the City’s Community Aspirations are to ensure that the community is safe and law-abiding.

BUDGET IMPLICATIONS

There is no immediate financial impact on the changes to Chapter 309.

RACIAL EQUITY IMPACT SUMMARY

According to the findings in ‘*Human Trafficking Task Force Report*’¹, “Human trafficking is prevalent within the massage profession. Research shows that as many as 6,500 illicit (massage) businesses are active in the United States.” The report further states that human trafficking is linked with fraud in massage therapist education and in the licensing pathways. Human trafficking in the massage profession is part of a much larger international problem that creates slavery, bondage, intimidation, violence and trauma. The Trafficking Victim Protection Act of 2004 found that traffickers primarily target women and girls, who are disproportionately affected by poverty, have limited access to education, suffer chronic unemployment, discrimination, and lack economic opportunities in their countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the attached ordinance amending Chapter 309.

¹ Human Trafficking Task Force Report. *Federation of State Massage Therapy Boards*.
<https://www.fsmtb.org/media/1606/http-report-final-web.pdf> 2017.

32 **REQUESTED COUNCIL ACTION**

33 Approve the attached ordinance amending Chapter 309.

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Prepared by: Patrick Trudgeon, City Manager
Katie Bruno, Deputy City Clerk

Attachments: A: Ordinance amending Chapter 309

City of Roseville
ORDINANCE NO. 1633

AN ORDINANCE AMENDING

TITLE 3 Chapter 309

AN ORDINANCE AMENDING TITLE 3 CHAPTER 309 OF THE ROSEVILLE CITY CODE TO CLARIFY EXCEPTIONS MASSAGE THERAPIST LICENSES

THE CITY COUNCIL OF CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 3 Chapter 309 Section 309.03 of the Roseville City Code is amended to read as follows:

309.03 LICENSE REQUIRED, EXCEPTIONS.

- A. License Required: No person shall engage in the business of operating a massage therapy establishment or perform massage therapy in the City without first having obtained the required license.
- B. Massage Therapy Establishment Exceptions: A massage therapy establishment license is not required for entities duly licensed or operating as a hospital, nursing home, hospice, sanitarium or group home established for the hospitalization or care of human beings provided the massage is administered only to the residents or patients of the facility as part of their care and not provided as a part of a separate service.
- C. Massage Therapy License Exceptions: A massage therapy license is not required for the following persons:
 - 1. Persons duly licensed as a doctor by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, provided the massage is administered in the regular course of the medical business as it prepares the patient for a medical procedure or complements a medical procedure previously performed on the patient and not provided as part of a separate and distinct massage business.
 - ~~1.~~ 2. Persons working as, or solely under the direction and control of, a professional licensed by the Board of Medical Practice or the Minnesota Department of Health or under M.S. Chapters 147 and 148, provided the massage is directly related to the medical or health treatment and is administered on the premises of the medical or health business.
 - ~~2.~~ 3. Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy.

46 SECTION 2: Effective date. This ordinance shall take effect upon its passage and
47 publication.

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49 Passed by the City Council of the City of Roseville this 22 day of May, 2023.

50 Signatures as follows on separate page:

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52 *Ordinance –AN ORDINANCE AMENDING TITLE 3 CHAPTER 309 OF THE*
53 *ROSEVILLE CITY CODE TO AMEND REQUIREMENTS FOR MASSAGE*
54 *ESTABLISHMENT AND MASSAGE THERAPIST LICENSES.*

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57 (SEAL)

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CITY OF ROSEVILLE

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BY: _____
Daniel J. Roe, Mayor

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66 ATTEST:

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Patrick Trudgeon, City Manager