

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

CLEERS OFFICE

APPROVED

ANCHORAGE, ALASKA

AO No. 2009-70

Date: 6-23-09

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 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 *** **

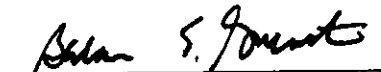
28
29 (CAC 6.28.050; [AO No.] AO No. 93-157(S-6), § 2, 5-1-94)

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 27th day of
35 June, 2009.

36
37
38 
39 Chair of the Assembly

40 ATTEST:

41 
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