

AN ORDINANCE OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 20-109 TO ADD MASSAGE THERAPY ESTABLISHMENT TO THE FEE SCHEDULE FOR LICENSES; AMENDING SECTION 20-202 TO CLARIFY DEFINITION OF “ADULT ENTERTAINMENT BUSINESS”; ADDING DEFINITIONS AND LICENSURE REQUIREMENTS FOR “MASSAGE THERAPY ESTABLISHMENTS” TO CHAPTER 20; AND DELETING THE DEFINITION OF “MASSAGE PARLOR” AND SEXUAL ENCOUNTER CENTER” FROM SECTION 36-101 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

- § 1. WHEREAS, massage therapy establishments are currently unregulated by the State of Oklahoma; and
- § 2. WHEREAS, Senate Bill 644 was adopted during the 2025 Oklahoma Legislative session and allows cities to establish licenses for business locations offering massage therapy; and
- § 3. WHEREAS, while there are many legitimate massage therapy establishments in Norman, there are also establishments that use massage therapy as a cover for prostitution, trafficking and other illegal activities; and
- § 4. WHEREAS, requiring licenses for these establishments will enable the City and customers to determine which establishments are legitimate and which may be used for criminal activity.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 5. That, Section 20-109 of the Code of the City of Norman, Oklahoma be amended as follows:

20-109 Fee Schedules for Licenses and Permits and Occupational Taxes

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(u) Massage therapy establishments, per year.

- § 6. That, Section 20-202 of the Code of the City of Norman, Oklahoma be amended as follows:

20-202 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Adult entertainment business means such uses as are defined in ~~Ordinance No. O-8788-8~~ and subsequent amendments to NCC 36-101.

- § 7. That, Article 20-XXXIII be added to the Code of the City of Norman, Oklahoma as follows:

ARTICLE 20-XXXIII MASSAGE THERAPY ESTABLISHMENTS

- § 8. That, Section 20-3301 be added to the Code of the City of Norman, Oklahoma as follows:

20-3301 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Employee means any person at least 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation, from the manager of the business or patrons, but has no physical contact with the customer.

Licensee means the person to whom a license or permit has been issued to own, operate or manage a massage therapy establishment or to engage in massage therapy.

Manager means the person owning, controlling, conducting, operating or managing a massage therapy establishment, but shall not include the massage therapist, as defined in this section.

Massage therapy means the skillful treatment of the soft tissues of the human body. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, provide for general health enhancement, personal growth, education and the organization, balance and integration of the human body and includes but is not limited to: (1) the use of touch, pressure, friction, stroking, gliding, percussion, kneading, movement, positioning, holding, range of motion and nonspecific stretching within the normal anatomical range of movement, and vibration by manual or mechanical means with or without the use of massage devices that mimic or enhance manual measures, and (2) the external application of ice, heat and cold packs for thermal therapy, water, lubricants, abrasives and external application of herbal or topical preparations not classified as prescription drugs.

Massage therapy establishment means any establishment having a source of income or compensation derived from the practice of massage therapy as defined in this section and which has a fixed place of business where any person engages in or carries on any of the activities as defined in the definition of the term "massage therapy" provided in this section.

Massage therapist means an individual who practices massage or massage therapy and is licensed under the Massage Therapy Practice Act. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body and may evaluate a condition to the extent of determining whether a massage is indicated or contraindicated.

Off-site massage service means any business, the functioning of which is to engage in or carry on massage therapy as defined in this section at a location designated by the patron or at a location other than at a massage therapy establishment. Off-site massage service may include seated massage.

Patron means any person, client or customer at least 18 years of age, or if under 18 years of age with written parental or legal guardian consent, who receives a massage under such circumstances that it is reasonably expected that he will pay money or give any other consideration therefor.

Person means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

Seated massage means any massage therapy of the neck, arms, shoulders and back area above the waist where the client is fully clothed, sitting in a special chair designed for upper body massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, mud, paraffins, salts, or other similar preparations commonly used in the practice of massage therapy. Seated massage therapy may be performed either at a massage therapy establishment or off-site.

Sexual misconduct means any criminal conviction, either misdemeanor or felony, within the city, the state or any other state for the crime of rape, child molestation, prostitution, acts of lewdness or any crime where the convicted person is required to register as a sex offender under the statutes of the state.

Sexual or genital areas means the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

§ 9. That, Section 20-3302 be added to the Code of the City of Norman, Oklahoma as follows:

20-3302 License Required

Beginning April 1, 2026, no person shall own, control, lease, act as agent for, conduct, operate, or manage a massage therapy establishment without first securing a license and paying the fee therefor. A separate license shall be required for each place of business.

§10. That, Section 20-3303 be added to the Code of the City of Norman, Oklahoma as follows:

20-3303 Issuance of License

No license shall be issued to a massage therapy establishment if:

(a) The applicant, if an individual; or any of the stockholders holding more than ten percent of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within 5 years preceding the date of the application for license, provided the applicant has not subsequent felony convictions of any nature:

(1) An offense involving the use of force and violence upon the person of another that amounts to a felony;

(2) An offense involving sexual misconduct as defined in section 20-3301; or

- (3) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.
- (b) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the application or in any document required by the city in conjunction therewith.
- (c) The applicant has had a massage establishment, massage therapist or other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within five years prior to the date of the application.
- (d) The applicant, if an individual; or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not at least 18 years of age.

§11. That, Section 20-3304 be added to the Code of the City of Norman, Oklahoma as follows:

20-3304 Exemptions

The provisions of this chapter shall not apply to the following while they are engaged in the personal performance of the duties of their respective professions:

- (a) Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the state;
- (b) Nurses who are registered under the laws of the state;
- (c) Barbers and beauticians who are duly licensed under the laws of the state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair; or manicurists or pedicurists and shall apply solely to the massaging of the hands or feet of the patron for cosmetic or beautifying purposes;
- (d) The giving of massages by a licensee or students currently enrolled in an educational course or program, the purpose of which is to obtain a degree or certification to perform massages, offered by an employer for the benefit of its employees, including, but not limited to, an employer's health benefit or wellness program when offered to employees only, and only during the duration of the employer sanctioned event; and
- (e) Students practicing internships at a state licensed massage school under the direct supervision of a qualified instructor.

§12. That, Section 20-3305 be added to the Code of the City of Norman, Oklahoma as follows:

20-3305 Requirements for Massage Therapy Establishments.

The following requirements must be met on an ongoing basis in order to receive, retain, or renew a Massage Therapy Establishment License. Failure to meet these requirements may result in license revocation or criminal prosecution as provided herein.

- (a) Sanitation Generally. Every place where a massage is being conducted, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Posting Of Prices. Price rates for massage services, including seated massage and off-site services, shall be prominently displayed in a location available to all prospective customers.
- (c) Employee Register. The licensee or person designated by the licensee of a massage therapy establishment shall maintain a register of all persons employed at any time as massage therapists and copies of their licenses issued by the State Board of Cosmetology and Barbering. Such register shall be posted at the massage establishment at all times.
- (d) Records Required. Every massage establishment, manager or permittee or licensee administering a massage shall maintain an appointment book in which shall be entered the name of each and every patron, the time, date and place of service and the service provided.
- (e) Employment Of Massage Therapists. No person shall employ as an operator a massage therapist any person unless the employee has obtained and has in effect a license issued by the State Board of Cosmetology and Barbering.
- (f) Contagious Diseases. Except as otherwise provided, no manager of any massage therapy establishment shall employ or permit any massage therapist to work and no massage therapist shall work in any establishment or location which is affected with any infectious, contagious or communicable disease or any disease which may, by law, be required to be reported to the health department of the city or of the state.
- (g) Required Dress. All employees of a massage establishment, and all massage therapists, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas.
- (h) Sheets And Towels. All places where massage is being conducted shall have clean laundered sheets and towels in sufficient quantity and which shall be laundered after each use thereof and stored in a sanitary manner.
- (i) Operating Hours. No massage establishment or off-site service shall be kept open or provide massaging between the hours of 10:00 p.m. and 8:00 a.m.
- (j) Advertising. No massage establishment or massage therapist 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. Any advertisement of a massage therapy establishment or massage therapist shall contain the license number of said establishment or therapist.

- (k) Persons Under 18 Prohibited On Premises. No person shall permit any person under the age of 18 years to come or remain on the premises of any massage establishment as a massage therapist, employee, patron, or in any other capacity without parental/legal guardian presence or written consent, unless such person is on the premises on lawful business.
- (l) Alcoholic Beverages. No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage as defined in 37A O.S. § 1-103 on the premises of any massage establishment or place where massaging is being conducted without first obtaining a license from the State Alcoholic Beverage Laws Enforcement Commission. If a license is obtained, the requirements set forth in the Oklahoma Alcoholic Beverage Control Act (37A O.S. §1-101 et seq.) must be followed at all times.
- (m) Indecent Conduct.
- (1) It shall be unlawful for any person, conducting a massage, to place his hands upon, to touch with any part of his body, to fondle in any manner, or to massage, a sexual or genital part area of any other person.
 - (2) It shall be unlawful for any person, in a massage establishment conducting a massage, to expose his sexual or genital areas, or any portion thereof, to any other person. It shall also be unlawful for any person, conducting a massage, to expose the sexual or genital areas, or any portions thereof, of any other person.
 - (3) It shall be unlawful for any person, while in the presence of any other person conducting a massage, to fail to conceal with a fully opaque covering, the sexual or genital areas of his body.
 - (4) It shall be unlawful for any person owning, operating or managing a massage establishment, knowingly to cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsection (A), (B) or (C) of this section.
- (n) Requirements For Cubicles, Booths, Etc. It shall be unlawful for any massage, other than a fully clothed seated massage, to be carried on within any cubicle, room, booth, or any area which is fitted with a door capable of being locked. Nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or county health departments.
- (o) Treatment Of Diseased Persons. No person affected with any contagious disease or with any disease of the skin shall be treated with a massage.

§13. That, Section 36-101 of the Code of the City of Norman, Oklahoma be amended as follows:

36-101 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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Adult entertainment uses.

- (a) *Adult amusement or entertainment* means amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas, as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
- (b) *Adult bookstore* means an establishment having as a significant portion of its stock in trade books, film, magazines, and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (c) *Adult mini motion picture theater* means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (d) *Adult motel* means a motel wherein material is presented, as part of the motel services, via closed circuit television or otherwise, which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (e) *Adult motion picture arcade* means any place at which slug-operated or electronically, electrically- or mechanically-controlled, still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- (f) *Adult motion picture theater* means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
- ~~(g) *Massage parlor* means any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.~~
- ~~(h) *Sexual encounter center* means any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices, or~~

~~equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron, to include, but not to be limited to bath houses, massage parlors, and related or similar activities.~~

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§14. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day of
_____, 2025.

NOT ADOPTED this _____ day of
_____, 2025.

Mayor Stephen T. Holman

Mayor Stephen T. Holman

ATTEST:

City Clerk