



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
KEN ONDICH, COMMUNITY DEVELOPMENT DIRECTOR
TIM APPLIN, POLICE CHIEF
FROM: EVAN C. GARIEPY, PLANNER
SUBJECT: DISCUSSION OF POSSIBLE ORDINANCE LANGUAGE TO REQUIRE
MESSAGE THERAPY LICENSING BY THE CITY
DATE: APRIL 16TH, 2026

Background

At the April 6th, 2026 City Council meeting, the Council requested drafts of potential massage therapy licensing ordinance language following research done on other cities licensing processes.

Language and regulations similar to that of the State of Minnesota (possible state statute drafts) and the Cities of Prior Lake, Savage, Shakopee, Lakeville, Farmington, and Burnsville have been used. Other parts of the New Prague City Code, especially regarding tobacco licenses, peddler and transient merchants, and pawn brokers, have also been utilized for the possible ordinance language.

Additional information regarding a hearing requirement before the issuance of each license has also been included at the request of Councilmember Ryan, as gathered from the City of Farmington.

There is no current existing City Code language pertaining to massage licensing. As such, all of the following would be added as a new section to the City Code. It is notable that at this time, the City Attorney has not reviewed any of the below draft language, but if the Council is generally in agreement with the language provided below, it would be reviewed by the City Attorney before coming back to the City Council for a first reading. Additionally, the City Council could choose to hold a public hearing on the draft ordinance if it comes back for a first reading, but is not required to hold a public hearing.

Proposed Draft City Code Addition

Title XI Business Regulations
Chapter 122: Massage Therapists

§ 122.01 PURPOSE

The City Council finds that therapeutic massage is a legitimate and necessary service for the general public, while also acknowledging the risk that it holds for illicit massage operations or providers who may engage in unhygienic, unsanitary, or otherwise dangerous or criminal conditions or actions. Thus, the City deems it necessary to regulate therapeutic massage to protect the public and to protect legitimate professional massage therapists.

§ 122.02 DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCREDITED INSTITUTION. An educational institution holding accredited status from the North Central Association of Colleges and Schools or another regional accrediting agency approved by the U.S. Department of Education presently or at the time the applicant obtained their diploma or certificate of graduation.

ACCREDITED PROGRAM. A professional massage program that is presently or at the time the applicant obtained their diploma or certificate of graduation accredited by the Commission on Massage Therapy Accreditation, or a comparable national or regional organization which is approved by the U.S. Department of Education for its accrediting program for compliance with quality and competency standards through a process of periodic review and self-study.

MASSAGE THERAPIST. An individual who practices or provides therapeutic massage to another for a fee or other consideration paid either directly or indirectly. A person licensed as a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic director or trainer, or beautician, cosmetologist, or barber who confines their treatment to the scalp, face, and neck, or the lower leg and feet in the case of a pedicure or hands in the case of a manicure, shall not be deemed to be a massage therapist.

MASSAGE THERAPY. The manual manipulation of the soft tissues of the body to promote, maintain, and restore health and well-being. This may include any of the following techniques: stroking, gliding, lifting, kneading, jostling, vibration, percussion, compression, friction, holding, passive stretching within the client's physiological range of motion, movement or manipulation of the soft tissues, active assistance and resistive movement, and stretching.

STUDENT OF MASSAGE THERAPY. A person who is enrolled in and attends classes at an accredited institution or accredited program as defined by this chapter.

THERAPUETIC MASSAGE. Synonymous with Massage Therapy.

§ 122.03 LICENSE REQUIRED

- (A) No person shall practice massage therapy or provide or offer to provide massage therapy within the City without a massage therapist license issued by the City.
- (B) This chapter shall not apply to individuals who are excluded from the definition of massage therapist, unless they are to practice massage therapy in a context other than that through which they are excluded.
- (C) Any person acting as a massage therapist shall have their license conspicuously posted at the place of business of which they are conducting therapeutic massage, and shall be exhibited to any person upon request.

§ 122.04 LICENSING

- (A) The fee for a massage license or for a renewal of a massage license shall be established in the City's Official Fee Schedule, as it may be amended from time to time.
 - (1) License fees will not be refunded upon rejection or non-approval of an application for a license.
 - (2) No part of the annual fee will be refunded if the license is suspended, revoked, or otherwise discontinued.
- (B) All applications for a license must include all necessary information required by the City Administrator to conduct a criminal history background investigation on the applicant. The results of the criminal history background investigation may be cause for denial of the license at the sole discretion of the City.
- (C) All licenses are issued for a period of one year. The license period is from January 1 to December 31. The initial license term will expire at the end of the calendar year during which the license was issued.
- (D) The renewal of a license under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least 30 but no more than 60 days before the expiration of the current license. The issuance of a license under this chapter shall be considered a privilege and not an absolute right of the applicant, and shall not entitle the holder to an automatic renewal of the license.
- (E) Applications for a license shall be made on a form provided by the city. The application shall include, but is not limited to:
 - (1) Applicant's full legal name.
 - (2) All other names under which an applicant conducts business, to which the applicant officially answers, or past names the applicant has had.
 - (3) Full address and telephone number of the applicant's residence.

- (4) Full name, address, and telephone number of any and all businesses at which therapeutic massage will be performed.
 - (5) Evidence of the applicant's diploma or certificate of graduation from an accredited institution.
 - (a) *Exemption.* Persons already licensed and who have been regularly employed or practicing massage therapy for a period of five years out of a six-year period preceding the effective date of the ordinance from which this article derived are exempt from providing evidence of education as outlined in subsection (5) of this section. Licensure by another jurisdiction shall satisfy the five-year exemption requirement, as long as the City Administrator determines the licensure requirements of other jurisdictions meet or exceed those of the City.
 - (6) The length of experience in this occupation and the past places of employment and positions held, accompanied by the names, addresses, and telephone numbers of the past places of employment.
 - (7) A statement disclosing whether the applicant has ever been convicted of a crime or offense and, if so, information as to the time, place, and nature of such crime or offense.
 - (8) A statement disclosing whether the applicant has ever been granted a massage license within another municipality, and if so, the dates during which they were licensed.
 - (9) A statement disclosing whether the applicant has ever been denied a massage license or had a license revoked or suspended within a municipality, and if so, information as to the location, reasoning, and nature of such crime or offense.
 - (10) Proof of general liability insurance providing minimum coverage of \$300,000 combined single limit per occurrence. If the applicant is to be employed under a massage business which carries massage liability insurance, this may be presented in lieu of individual general liability insurance.
- (F) The completed application, along with the license fee, shall be submitted to the City Administrator or their designee for approval. If the City Administrator or designee determines that an application is incomplete, they shall return the application to the applicant with notice of the deficiencies.
- (G) The City Administrator or their designee may either approve or deny the license, or may delay action for a reasonable period of time as is required to permit the City to complete any investigation of the application or the applicant deemed necessary. If approved, a license shall be issued to the applicant. If denied, a notice of denial shall be issued to the applicant at the residential address provided on the application along with the reason for the denial. The notice shall also inform the applicant of their right to appeal the Administrator's decision to the City Council. The appeal must be taken within 20 days after receipt of a

notice of denial, and if so taken, the appeal shall be scheduled to be heard at a subsequent Council meeting.

§ 122.05 LICENSE INELIGIBILITY

The following shall be grounds for denying a license or renewal of a license under this chapter. The following list is neither exhaustive nor exclusive.

- (A) The applicant fails to provide any information required on the City license application, or provides false or misleading information.
- (B) The applicant is under the age of 18 years.
- (C) The applicant has a conviction for or was charged with, but convicted of a lesser charge, a crime involving a violation of any massage therapy-related regulation in any jurisdiction, any prostitution-related offense, criminal sexual conduct, indecent exposure, surreptitious intrusion, disorderly house as defined by state statutes, theft, felony drug offense, any crime of violence as defined by state statutes, or any other similar crime or offense within 10 years of the date of application.
- (D) The applicant had a massage therapist or massage therapy business-related license in another jurisdiction that was suspended or revoked within 10 years of the application.
- (E) The applicant knowingly performed massage therapy in the City during a period of time when the license was not active.
- (F) The applicant or license holder has outstanding fines, penalties, or property taxes owed to the City.

§ 122.06 LICENSE SUSPENSION AND REVOCATION.

- (A) Any license issued under this section may be suspended or revoked at the discretion of the City Administrator for violation of any of the following:
 - (1) Fraud, misrepresentation, or incorrect statements on the application form.
 - (2) Fraud, misrepresentation, or false statements made during the course of the licensed activity.
 - (3) Conviction of any offense for which granting of a license could have been denied under § 122.05.
 - (4) Violation of any provision of this chapter.
 - (5) The licensee is unable to provide proof of general liability insurance, either individual or through their business, or if said insurance is expired and not renewed.

- (B) Prior to revoking or suspending any license issued under this chapter, the City Administrator shall provide the license holder with written notice of the alleged violations and inform the licensee of their right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application. The notice shall also inform the applicant of their right to appeal the Administrator's decision to the City Council. The appeal must be taken within 20 days after receipt of a notice of revoking or suspension, and if so taken, the appeal shall be scheduled to be heard at a subsequent Council meeting.
- (C) If, in the discretion of the City Administrator, imminent harm to the health or safety of the public may occur because of the actions of a massage therapist licensed under this chapter, the City Administrator may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in division (B) of this section.

Additional Information for Consideration:
Hearing Requirement Language from the City of Farmington

- (A) Investigation: All applications shall be referred to the city clerk for verification and investigation of the facts set forth in the application. The chief of police and other consultants shall make a written recommendation to the city council as to issuance or nonissuance of the license. The city council may order and conduct such additional investigation as it deems necessary.
- (B) Upon receipt of the written report and recommendation by the Chief of Police, the City Clerk shall publish in the official newspaper notice of a hearing to be held by the City Council. The notice shall be published at least ten (10) days in advance of the hearing; and it shall set forth the day, time and place when the hearing will be held; the name of the applicant, the premises where the business is to be conducted; the nature of the business; and such information as the Council may direct. A license, other than a renewal, shall not be approved by the City Council prior to such hearing.
- (C) Renewal Applications. No less than ten (10) days nor more than fifteen (15) days after the date for submitting renewal applications, the City Council shall hold a public hearing. Notice of the time and place of such hearing and the fact that a renewal application shall be considered shall be published in the official newspaper ten (10) days in advance of the hearing. Opportunity shall be given to any person to be heard for or against the granting of a renewal license by the City Council. (Ord. 090-229, 2-5-90)

Staff Considerations

Much of the language has been written to specifically match the City's tobacco regulation ordinances, including a similar administrative procedure.

Notably, I have received at least two calls from potential massage therapists who currently, or may in the future, operate within New Prague who were surprised that we do not offer a licensing process, including one the first week of April. If the ordinance is to be enacted, it would be unlikely to be a surprise to currently operating massage therapists within the City.

The section regarding education, 122.04(E)(5)(a), is an exemption clause that allows people who have been municipally licensed massage therapists for at least 5/6 of the past years to not be required to show proof of education. The intent of this is to allow for the grandfathering in of people who may have been practicing massage for a long period of time, but may have not received education initially or may have lost their proof of education. Shakopee and Prior Lake include this, but the other Cities looked at do not. Prior Lake's language has been used as it is the most strict on this, with Shakopee requiring only 2 years of work.

The proposed ordinance does not include language regarding people who are students of massage therapy. As written, this would prohibit a massage therapy school from opening within the City. Prior Lake, Lakeville, and Farmington do not include language referring to students, whereas Shakopee, Savage, and Burnsville do. Currently, the only massage schools in the general area are in Mankato, Bloomington, St. Paul, and Apple Valley, leading me to believe that there is not a demand behind adding the language. In the event that there is genuine interest in a massage therapy school opening in the City, the ordinance could be amended to accommodate one.

As requested, the language proposing a required hearing for every massage therapist license has been included, as written in the City of Farmington's City Code, however City staff would not recommend including this requirement for each license.

Recommendation

Discuss the City's potential role in massage therapy licensing including the proposed drafted ordinance language.