



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: PUBLIC HEARING AND INTRODUCTION OF ORDINANCE #362 REQUIRING
MESSAGE THERAPISTS TO BE LICENSED BY THE CITY
DATE: MAY 8TH, 2026

Background and Staff Considerations

The Council reviewed a draft of a potential massage therapy licensing ordinance at their April 20th, 2026 meeting. Following the Council’s guidance, the proposed City Code amendment has been attached. The proposed ordinance has also been reviewed by the City Attorney.

Renewing licenses is now required biannually rather than annually, and no longer requires a background check, though one may be required at the discretion of the City Administrator.

Language clarifying that licenses are for an individual has been added, as well as clarifying that they are not transferable.

The lookback for a background check has been changed to 5 years to match tobacco and cannabis licensing background checks. This can be discussed further if the Council wishes to keep it 10 years for massage licensing.

I was unable to find any language in other City Codes that specify that massage can be practiced within someone’s home on their friends/family, as was suggested to be added by the Council. Following the City Attorney’s review, under the definition for massage therapist, the following language has been added as an exclusion from requiring a license:

“[...] a person performing massage therapy without compensation on an occasional basis within their own residence for members of their immediate family [...] shall not be deemed to be a massage therapist.”

Other Cities do have language regarding compliance checks. However, these compliance checks generally are regarding business licenses, rather than individual massage therapist licensing. I reached out to Savage, and they said that a recent change is that their Fire Department will be conducting these inspections, and that they're more business focused. I spoke with the City Clerk of Prior Lake, who stated that they largely conduct inspections if a complaint arises rather than routinely. I did not hear back from Shakopee about how theirs are conducted. I believe that the language is good to have, even without structured inspections, in the case that they become necessary in the future or if any concerns are ever raised.

Some language examples:

Farmington: "Each operation required to be licensed hereunder shall at all times be held open for inspection by any duly authorized law enforcement officer, health officer or building inspector to insure compliance with all provisions of this ordinance."

Savage: "During any hours in which any person is present on the licensed premises, the premises licensed under this Chapter shall be open to inspection by any duly authorized representative of the City to determine whether or not this Chapter and all other rules, laws and regulations are being observed. Licensee shall be subject to a \$250.00 fee for a third inspection, if orders to correct are issued to a licensee and those orders are not corrected upon re-inspection. All persons, as a condition to being issued such license, consent to such inspection and without a search warrant. Upon demand by a health, building or license inspector or police officer, a person engaged in providing services in a premises licensed under this Chapter shall identify himself/herself giving his/her true legal name and his/her correct address."

Shakopee: "The licensed premises of a massage therapy business shall, during all operating hours, be open to inspection by any city building, zoning, code, or police officer to determine whether this chapter and all other laws are being observed. All persons, as a condition to being issued the license, consents to these inspections. It is unlawful for any licensee, agent, or employee of a licensee to hinder or prevent the city inspecting officer from making an inspection."

Through combining these languages, and removing all references to business licenses, which we do not utilize, the following has been added:

"The location at which therapeutic massage will take place, as provided in the application, shall, during all operating hours, be open to inspection by any law enforcement official, health official, or any other duly authorized representative of the City to determine whether this ordinance and all other rules, laws, and regulations are being observed. All licensees, as a condition to being issued such license, consent to these inspections."

The following has also been added under license suspension and revocation.

"The licensee refuses an inspection that is permitted in § 122.04(E)."

Proposed additions have been **highlighted**. Removals have been ~~struck through~~.

The proposed ordinance, in its entirety, has also been attached with all proposed edits made.

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, or a person performing massage therapy without compensation on an occasional basis within their own residence for members of their immediate family, 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.

THERAPEUTIC 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.
- (D) One license shall only apply to one person. Licenses are not transferable.

§ 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 ~~two years~~ ~~one year~~. The license period is from January 1 ~~of the first year~~ to December 31 ~~of the second year~~. The initial license term will expire at the end of the calendar year ~~after~~ ~~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, ~~with the exception of criminal history background investigations not being required for the renewal of a license, unless required by the City Administrator at their discretion~~. 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) The location at which therapeutic massage will take place, as provided in the application, shall, during all operating hours, be open to inspection by any law enforcement official, health official, or any other duly authorized representative of the City to determine whether this ordinance and all other rules, laws, and regulations are being observed. All licensees, as a condition to being issued such license, consent to these inspections.

(F) 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.

(G) 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.

- (H) 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 ~~5~~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.
- (6) The licensee refuses an inspection that is permitted in § 122.04(E).

- (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 revocation 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.

Recommendation

Hold a public hearing to gather public input on the proposed ordinance and conduct the first reading to introduce Ordinance #362.