



City of Moorhead
500 Center Avenue, PO Box 779
Moorhead, MN 56560-0799
Phone: 218.299.5304
Fax: 218.299.5306
cityclerk@ci.moorhead.mn.us

Guidelines for MASSAGE THERAPY LICENSE

Moorhead City Code, 2-6C: Massage Enterprise Massage Therapist

OVERVIEW

Massage Enterprise: This license is required for a business where the practice of massage is carried out by licensed massage therapists to members of the public in a designated business location within the City. It is the responsibility of the Massage Enterprise license holder to make certain that any person engaging in the practice of massage within the enterprise obtains a proper license prior to employment and ensure all terms and conditions of Moorhead City Code 2-6C are carried out. Any violations, whether committed by the persons holding the license or an employee of the Massage Enterprise will be grounds for revocation or nonrenewal of the license.

Massage Therapist: This license is for an individual who practices or administers “massage” as defined below, and who has made a study of the underlying principles of anatomy and physiology as they are generally included in a regular course of study by a recognized and approved school of massage. No person shall give a massage within the City of Moorhead without first obtaining a license.

Massage: Any method of pressure on or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating or rolling of the body with the hands, or with the aid of any mechanical or electrical apparatus, or other appliances or devices, for a fee or for compensation, direct or indirect.

Please Note: There are some exemptions to massage license provisions which are described in Moorhead City Code, 2-6C-7.

REQUIREMENTS

ALL Applicants

- Completion of **Massage Therapy License Application** form.
- Completion of **Certificate of Compliance: MN Workers’ Compensation Law** form.
- Completion of **Tax Identification** form.

- Completion of **Consent to Perform Criminal History Background Check** form in order for the Moorhead Police Department to conduct a background investigation.
Please Note: the consent form requires the signature of a Notary Public. There are notary's available to witness signatures at no charge at City Hall (500 Center Avenue).

Massage Enterprise ONLY

- A premise inspection will be conducted by Clay County Environmental Health. Attached you will find a **Massage Enterprise Sanitary Guidelines** document which lists required equipment and procedures.

Massage Therapy ONLY

- Credentials demonstrating at least 500 hours of study issued by a state recognized school of massage therapy.
- Proof of professional class membership in an association for massage therapy.
OR
Certification by the National Certification Board for Therapeutic Massage & Bodywork.
- Certificate of Liability Insurance demonstrating \$600,000 or more in professional liability insurance coverage. Accepted liability insurance organizations include:
 - Associated Bodywork and Massage Professionals (ABMP)
 - American Massage Therapy Association (AMTA)
 - American Massage Council
 - Hands-On Trade Association
 - Massage Magazine Insurance Plus

FEES

	<u>Initial</u>	<u>Renewal</u>
Enterprise License	\$200	\$50
Therapist License	\$200	\$25
Combined Enterprise/Therapist License	\$250	\$75

LICENSE PERIOD

All City licenses expire December 31 and must be renewed by January 1 of each year.

SUBMIT APPLICATIONS TO

City of Moorhead
Attn: City Clerk
500 Center Avenue, PO Box 779
Moorhead, MN 56560-0799

QUESTIONS

Phone: 218-299-5304
Email: city.clerk@ci.moorhead.mn.us



MASSAGE THERAPY LICENSE APPLICATION

APPLICANT INFORMATION

ALL applicants must complete the following information.

Name

First

Middle

Last

Current Address

Street

City

State

Zip

Previous Address

Street

City

State

Zip

Phone (day)

Day

Eve

Email

MASSAGE THERAPIST INFORMATION

Please disregard the following questions if you do not require a Massage Therapist license.

Will you be affiliated with a licensed Massage Enterprise establishment in Moorhead? **Yes** **No**

If yes, where: _____

Name and address of state recognized school of massage therapy:

Name of massage therapy association in which applicant holds a membership **OR** date of Certification by the National Certification Board for Therapeutic Massage & Bodywork:

Name of liability insurance provider:



MESSAGE THERAPY LICENSE APPLICATION

MESSAGE ENTERPRISE INFORMATION

Please disregard the following questions if you do not require a Massage Enterprise license.

Business Name _____

Business Address _____

Street

MOORHEAD

City

MN

State

56560

Zip

Business Phone _____

Business Facility _____ House

_____ Apartment

_____ Commercial Building

_____ Other

Facility Description _____

Certificate of Compliance

Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)	LICENSE OR PERMIT NO (if applicable)
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DBA (doing business as name) (if applicable)

BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
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YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

I have no employees.

I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____

Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

TAX IDENTIFICATION FORM

LICENSE APPLICANT:

Pursuant to *Minnesota Statute 270C.72 Tax Clearance: Issuance of Licenses, the licensing authority is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest:
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Service:
3. Failure to supply this information may jeopardize or delay the processing of your licensing issuance or renewal application.

Please supply the following information and return along with your application to the agency issuing the license. DO NOT RETURN TO THE DEPARTMENT OF REVENUE.

Name of Applicant _____

Type of Business _____

Minnesota Tax Identification # _____

Federal Tax Identification # _____

Social Security # (if MN & Federal Tax ID are not provided)* _____

If a Minnesota Tax Identification Number is not required, please explain below.

Signed by _____ Date _____

Print Name of Person Signing: _____

***2008 Minnesota Statutes
270C.72 TAX CLEARANCE; ISSUANCE OF LICENSES.**

Subd. 4. Licensing authority; duties.

All licensing authorities must require the applicant to provide the applicant's Social Security number and Minnesota business identification number on all license applications. Upon request of the commissioner, the licensing authority must provide the commissioner with a list of all applicants, including the name, address, business name and address, Social Security number, and business identification number of each applicant. The commissioner may request from a licensing authority a list of the applicants no more than once each calendar year.

History: 2005 c 151 art 1 s 87



CONSENT TO PERFORM CRIMINAL HISTORY BACKGROUND CHECK

Name

_____ *First* _____ *Middle* _____ *Last*

_____ *Maiden Name / Previous Name(s) / Alias(es)*

Address

_____ *Street*

_____ *City*

_____ *State*

_____ *Zip*

Phone (day)

_____ *Day*

_____ *Eve*

Email

Date of Birth

_____ *Day – Month – Year*

Place of Birth

_____ *City*

_____ *State*

Driver's License

_____ *Driver's License Number*

_____ *State of Issue*

I authorize the Moorhead Police Department to disclose to the Moorhead City Manager, City Clerk, and City Council all information collected as a result of the background investigation completed for the purpose of evaluating the license application. I understand that failure to provide this release will result in a denial of my application.

I understand that my records are subject to the State Data Practices Act and become public documents unless otherwise provided for by state or federal law. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it and that in any event, the consent expires automatically as described below.

This authorization is valid for six (6) months from

this _____ day of _____, 20____.

Signature

Subscribed and sworn before me

this _____ day of _____, 20____.

Notary Public _____



Massage Enterprise Sanitary Guidelines

In accordance with Moorhead City Code, Section 2-6C-6, the licensed massage enterprise premises must meet the sanitary guidelines set forth by the City. The following list provides information regarding required equipment and procedures.

1. Provide washable cabinets for the storage of clean linens.
2. All walls, ceilings and floors must be kept in good repair and maintained in a clean and sanitary manner. Carpet may be used in the massage room provided it is of a short material and tightly woven.
3. Clean and sanitary towels must be provided for each patron.
4. Head rests for each table should be provided with a clean and sanitary paper towel or sheet for each patron.
5. It is recommended that separate hand washing facilities be installed. However; hand washing facilities located in a nearby and accessible restroom are acceptable.
6. The cot should be commercially designed to make it cleanable and easy to sanitize.
7. The liquid materials, etc, that will be used for massages must come from an approved source.
8. The room for conducting massages must be separate from normal living spaces and must have a closeable door.

Premise inspections are conducted by Clay County Environmental Health. If you have any questions, please contact 218.299.5002 or environmentalhealth@co.clay.mn.us.



MOORHEAD CITY CODE

Title 2: BUSINESS AND LICENSE REGULATIONS Chapter 6: SERVICE BUSINESSES Article C: MASSAGE THERAPY

2-6C-1: DEFINITIONS:

MASSAGE: Any method of pressure on or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating or rolling of the body with the hands, or with the aid of any mechanical or electrical apparatus, or other appliances or devices, for a fee or for compensation, direct or indirect.

MASSAGE ENTERPRISE: A business where the practice of massage is carried out by licensed massage therapists to members of the public, but does not include the giving of a massage to a person at that person's residence or place of business by a license massage therapist.

MASSAGE THERAPIST: An individual or a person over the age of eighteen (18) who practices or administers "massage" as defined above, and who has made a study of the underlying principles of anatomy and physiology as they are generally included in a regular course of study by a recognized and approved school of massage. The individual shall have a diploma or credentials issued by a state recognized school of massage or like institution demonstrating satisfactory completion of not less than five hundred (500) hours of study; said course of study shall be accredited or approved by the American Massage Therapy Association (AMTA) or Associated Body Work and Massage Profession (ABMP) (or similar organization meeting the standards equivalent to the AMTA or ABMP), or in addition to the study requirement, the individual shall maintain a professional class membership in the American Massage Therapy Association or Associated Body Work and Massage Profession (or membership in an organization similar to AMTA or ABMP), or, in addition to the study requirement, the individual shall have passed the certification examination by the National Certification Board for Therapeutic Massage and Bodywork.

PERSON: An individual, a partnership or a corporation which may operate the business of a massage enterprise, or an individual who engages in the practice of massage. (Ord. 93-12, 8-2-1993; and. Ord. 98-12, 11-16-1998)

2-6C-2: LICENSES REQUIRED:

A. No person shall operate a massage enterprise within the city without first obtaining a license from the city and paying the fee therefor as hereinafter established.

B. No person shall give a massage within the city without first obtaining a license from the city and paying the fee therefor as hereinafter established. (Ord. 93-12, 8-2-1993)

2-6C-3: INVESTIGATION OF LICENSE APPLICANTS:

The police department shall investigate all applications for a license to operate a massage enterprise, or to practice massage within the city. The police shall conduct a criminal background check as part of the investigation. In the event a national criminal background investigation is required, the applicant shall be responsible for all additional fees incurred for such and, upon request, provide additional information required to complete this process. All applicants are required to complete an informed consent authorizing the disclosure of all criminal history record information. Upon completion of said investigation, shall report to the council in writing its findings and recommendations. The investigation should determine if there are any grounds to deny a license as set forth in subsection [2-6C-4B](#) of this article. (Ord. 2006-12, 6-19-2006)

2-6C-4: APPROVAL, DENIAL, SUSPENSION OR REVOCATION OF LICENSE:

After the investigation required under section [2-6C-3](#) of this article, the council shall act and either approve or deny the issuance of said license on the basis of said investigation and report. (Ord. 93-12, 8-2-1993)

A. Approval And Issuance: The city clerk shall be empowered upon council approval to issue licenses to a person to engage in the practice of massage, or to operate a massage enterprise, upon application being made therefor to the office of the city clerk; the licenses issued by the city clerk shall be displayed in a prominent place within a licensed massage enterprise for each such person licensed to engage in the practice of massage. (Ord. 2001-2, 2-20-2001)

B. Deny License: No person shall be issued a license under the terms of this article if the applicant:

1. Is under the age of eighteen (18) years.
2. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota statutes section 364.03, subd. 2 (including, but not limited to, Minnesota statutes sections 609.321 through 609.3451), and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensee as prescribed by Minnesota statutes section 364.03, subd. 3.
3. Is not a citizen of the United States or resident alien.
4. Has misrepresented or falsified information on a license application or additional information requested by the city.
5. Cannot meet the definition of "massage therapist" in section [2-6C-1](#) of this article.

C. Suspend Or Revoke License: The council may suspend or revoke any license to operate a massage enterprise or a license to practice massage as defined in this article in accordance with the provisions of subsection [2-1-10A](#) of this title. (Ord. 93-12, 8-2-1993)

2-6C-5: LICENSE TERM AND FEES:

A. **Massage Enterprise License:** A license issued for the operation of a massage enterprise shall be issued for a period of one year and expire on December 31, and the applicant shall pay in advance the fee as established by the city's fee schedule. Such license may thereafter be renewed annually by resolution of the council upon payment in advance of an annual fee as established by the city's fee schedule. (Ord. 93-12, 8-2-1993; amd. Ord. 2007-30, 1-7-2008, eff. retroactive to 1-1-2008)

B. **Massage Therapist License:** A license issued to an individual to engage in the practice of massage shall be issued for a period of one year, and expire on December 31, and the applicant shall pay in advance the fee as established by the city's fee schedule. Such license may thereafter be renewed annually by resolution of the council upon payment in advance of an annual fee. (Ord. 2001-2, 2-20-2001; amd. Ord. 2007-30, 1-7-2008, eff. retroactive to 1-1-2008)

2-6C-6: CONDITIONS OF LICENSE:

A. **Responsible Authority:** If a licensee to operate a massage enterprise is a person other than an individual engaged in the active day to day management of the business, such licensee shall designate in writing to the city the name of a manager who shall be actively engaged in the business.

B. **Comply With Regulations:** It shall be the responsibility of the persons to whom the license to operate a massage enterprise is issued, and such persons' designated managers, to carry out all of the terms and conditions of this article; and any violations of this article, whether committed by the persons holding the license, their manager or an employee of said massage enterprise, will be grounds for revocation or nonrenewal of the license.

C. **Record Of Employees Kept:** It shall be the responsibility of the persons holding the license and such persons' manager to file with the city the names of each and every individual who will engage in the practice of massage at the massage enterprise, their birth date, most previous address and current address.

D. **Employees Must Be Licensed:** It shall be the responsibility of the persons holding the license to operate a massage enterprise and their designated manager to make certain that any person engaging in the practice of massage within such massage enterprise obtains a proper license as required under this article prior to commencing employment and engaging in the practice of massage.

E. **Location Restrictions, Transferability:**

1. **Massage Enterprises:** The licenses issued by the city to operate a massage enterprise shall be issued for and shall designate a specific location within the city where the massage enterprise shall operate. Such license is nontransferable both as to person and location without the approval of the council. (Ord. 93-12, 8-2-1993)
2. **Massage Therapists:** The licenses issued by the city to a person to engage in the practice of massage shall entitle the licensed massage therapist to perform on site massage at a business, public gathering, private home, or other site not on a massage enterprise premises. The massage therapist must have a license in his/her possession if

a massage is given off a licensed massage enterprise. Records must be retained for one year for all massages given off a licensed massage enterprise, and such records shall be made available to the police department upon request. (Ord. 2001-2, 2-20-2001)

F. Prohibited Acts:

1. The person who is receiving a massage shall at all times have his or her genitals covered with nontransparent material or clothing.
2. Any massage therapist performing a massage shall at all times have his or her breasts, buttocks, anus and genitals covered with a nontransparent material or clothing.
3. At no time shall the massage therapist intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of the person.

G. Doors To Be Open: No licensed massage enterprise shall have its entry door locked at any time during normal business hours. (Ord. 93-12, 8-2-1993)

H. Premises Open For Inspection: Any persons holding a license from the city to operate a massage enterprise shall agree in their application that their place of business will be open to inspection by the city and any authorized city personnel, including the fire, police, and health departments, upon presentment of proper credentials without notice, at any time during normal business hours.

I. Sanitary Guidelines: The licensed premises must meet the sanitary guidelines set by the environmental health officer of the city. (Ord. 98-12, 11-16-1998)

2-6C-7: EXEMPTIONS TO LICENSE PROVISIONS:

A massage enterprise or massage therapist license is not required for the following persons and places:

A. Persons duly licensed by this state to practice medicine, surgery, nursing, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered in the regular course of the medical business and not provided as part of a separate and distinct massage business.

B. Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments, and provided the massage by beauty culturists is limited to the head, hands, neck and feet, and the massage by barbers is limited to the head and neck.

C. Persons working solely under the direction and control of a person duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry.

D. Places duly licensed or operating as a hospital, nursing home, hospice, sanitarium, group home or similar licensed facility established for the hospitalization or care of human beings.

E. A person who uses special pressure techniques on the reflexes in the human feet, hands and ears, commonly referred to as reflexology, and limits his/her practice to pressure techniques on the clients' feet, hands and ears.

F. Accredited schools through the ACICS, or similar organization, offering classes on massage, provided all instructors obtain a massage therapist license from the city.

G. Enrolled students in a program of massage offered by an accredited school as long as the massages given by the students are a requirement of their instructional program and no compensation is provided for the massage, or if a massage is given as part of a required internship/externship and the massage is given at an off site licensed facility, or a facility made exempt by this section, and the student is supervised by a licensed massage therapist or other qualified person exempt from the massage therapist license by this section. (Ord. 2008-16, 7-28-2008)

2-6C-8: INSURANCE REQUIRED:

A massage therapist must provide city proof that the massage therapist has current insurance coverage of six hundred thousand dollars (\$600,000.00) or more for professional liability in the practice of massage. (Ord. 93-12, 8-2-1993)

2-6C-9: VIOLATIONS AND PENALTIES:

A. A conviction of any persons holding a license to operate a massage enterprise, their manager, any person holding a license to practice massage or any employee of a licensed massage enterprise, for a violation of this article or any crime directly related to the occupation licensed as prescribed by Minnesota statutes section 634.03, subd. 2, including, but not limited to, Minnesota statutes sections 609.321 through 609.3451, inclusive, as a result of conduct on the licensed premises or off the premises if initial contact is made on the premises, shall be grounds for immediate revocation of the license issued under the terms and conditions of this article.

B. Any person violating any provisions of this article shall, upon conviction, be penalized in accordance with the provisions of section [1-4-2](#) of this code. (Ord. 93-12, 8-2-1993)