



Town of Oak Bluffs
Board of Health
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SECTION 14.0

MASSAGE PARLORS

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14.1 Preamble

The purpose of this regulation is to protect public health, safety and welfare by regulating the business of massage. No person shall practice massage or conduct an establishment for the giving of vapor, pool, shower or other baths for hire or reward, or advertise as being engaged in the business of massage or the giving of baths without receiving a license from the Board of Health of the town where said occupation is to be carried on.

14.2 Authority

The Oak Bluffs Board of Health has adopted these regulations pursuant to its authority under M.G.L. Chapter 140, Section 51-53.

14.3 Definitions

Massage: Any method of treating, manipulating, or conditioning the soft tissues of a pattern by means of stroking, kneading, tapping, pounding, vibrating, rubbing, stretching or pressing by manual, mechanical, or electrical means.

Massage Therapist: Any person who engages in the practice of massage after having been certified by an approved school.

Approved School: Any licensed certificate or diploma granting school or other institution of learning which [provides/offers] at least 500 hours of learning.

Patron: Any person who receives a massage from a massage therapist.

Approved: Approved by the Oak Bluffs Board of Health.

14.4 License Regulations

A. Licenses Required

1. **Business License:** No person shall engage in or carry on a business of massage unless he/she has a valid business license issued by the Town of Oak Bluffs pursuant to the provisions of this regulation.
2. **Massage License:** No person shall practice massage or conduct an establishment for the giving of vapor, pool, or other baths for hire without receiving a license thereof from the Board of Health as defined by Chapter 140, Sections 51-53 of M.G.L.
3. **Existing Licenses:** Licenses of currently practicing persons shall continue until they expire or are revoked. They may be renewed indefinitely unless the Board of Health has sufficient reason to revoke said license.
4. **New Applicants:** All new applicants must meet the provisions of these regulations.

14.5 Fees

There shall be a fee of \$250.00 per year, renewable on the first of each year. The fee shall not be pro-rated.

14.6 Insurance

Businesses and individuals licensed to practice massage shall each maintain paid-up liability insurance and personal liability insurance in amounts consistent with current trade norms for massage professionals.

14.7 Exemptions

This regulation shall not apply to the following:

- a. Physicians
- b. Registered/Licensed nurses
- c. Physical/Occupational therapists

14.8 Investigation/Inspection

A. A yearly inspection will be conducted of the massage business premises to assure compliance with all state and town laws, i.e., building, fire and safety requirements, to be conducted by each prospective department.

B. Board of Health Inspection

Inspection of the premises shall consist of:

- Clean and sanitary conditions
- Clean linens
- Accessible toilet and hot water facilities
- Check for open cuts and lesions on persons performing massage

14.9 Issuance or Denial

The Board of Health shall issue a massage license within 30 days of receipt of the application unless:

- a. The application is incomplete or inaccurate
- b. The business does not comply with all applicable laws
- c. The correct license fee has not been tendered
- d. The applicant has knowingly made false or misleading statements
- e. The applicant is not 18 years or older
- f. The applicant has not successfully completed a course of study at an approved school.

14.10 Licenses

- a. Must be a duly licensed practitioner of massage.
- b. All licenses are issued annually and shall be conspicuously displayed on the premises.

14.11 Penalties

Whoever violates any provision of these rules or regulations may have their permit to operate suspended or revoked.

14.12 Severability

If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.