



**CHESTERFIELD COUNTY
BOARD OF SUPERVISORS
AGENDA**

**Meeting Date: September 27,
2023**

Item Number: 17.B.

Subject:

To Consider Amending Sections 15-91 Through 15-101, and Enacting Sections 15-102 Through 15-106, of the County Code Relating to Regulations for Massage Clinics and Licensed Massage Therapists

Board Action Requested:

Adopt ordinance amendments after public hearing.

Summary of Information:

The County currently regulates massage clinics and licensed massage therapists in Chapter 15 of the County Code. Although the County has regulated massages since at least the 1970s, the regulations have been amended over the years to address societal changes as well as changes in the massage therapist profession. For example, in 1994, the Board amended the ordinance to require a massage therapist to hold a County permit and to perform massages only at clinic holding a County permit. In 2012, the Board repealed the entire massage ordinance, including the County permit requirement, because it was advised that regulation by the Commonwealth of Virginia was sufficient and that local regulation was no longer needed (other than business license and zoning). Finally, in 2018, the Board readopted a massage ordinance that, among other things, included authorization for inspections by the Police Department and Health Department, regulation of massage locations and practices, and criminalizing any sexual contact between a therapist and patron. The genesis of these amendments were reports that a few massage clinics had been performing massages in which there had been inappropriate sexual contact between the massage therapist and clients.

Today, the County faces new challenges. Although most massage clinics provide legitimate, professional, and therapeutic support for wellness and good health, over the last few years there has been a nationwide explosion of illicit “massage shops” that are masquerading as legitimate businesses. Among other illegal activities, these transnational criminal enterprises have engaged in prostitution and human trafficking. Also, in some cases, unsuspecting residents have been sexually assaulted by unlicensed therapists who masquerade as professional massage therapists.

Based on these new challenges, the Police Department and County staff recommend that the Board consider additional changes to the County’s massage ordinance. Among other things, the proposed amendments would: (1) reinstitute a requirement for both massage clinics and massage therapists to obtain a permit from the County, which will include a criminal background check; (2) require the clinic and therapists to display their County permits publicly; (3) issue photo identification cards to therapists that must be produced upon inspection of the Police Department; (4) require clinics to maintain a register containing the name and date of employment of each licensed therapist employed at the clinic; (5) establish hours of operation for massage

clinics; (6) modify the definition of massage in accordance with current State Law definitions; (7) provide for revocation of the County permits if the ordinance is violated; and (8) authorize civil action by the County Attorney to ensure compliance with the ordinance (this is in addition to potential criminal prosecution by the Commonwealth Attorney).

In addition, the proposed ordinance amendment would require existing massage clinics and massage therapists doing business in the County to apply for a County permit within 60 days of the adoption of the ordinance. County staff has already begun to contact such businesses to help usher them through the new regulatory process if adopted by the Board.

Staff recommends that the Board adopt the attached ordinance amendments.

Attachments:

1. Massage Ordinance Amendments Revised 8-8-23

Preparer: Jeff Mincks, County Attorney

Approved By:

A handwritten signature in black ink, appearing to be "Jeff Mincks", written over a blank line.