

CITY OF APPLE VALLEY
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA, AMENDING
CHAPTER 123 OF THE CITY CODE REGULATING MASSAGE THERAPIST
LICENSES

The City Council of Apple Valley ordains:

Section 1. Chapter 123 of the Apple Valley City Code is amended by revising or adding the following definitions in Section 123.02 as follows:

§ 123.02 DEFINITIONS.

* * * *

ACCREDITED INSTITUTION. An educational institution holding accredited status from ~~the North Central Association of Colleges and Schools (NCA) or another~~ a regional accrediting agency approved by the United States Department of Education presently or at the time the applicant obtained his/her diploma or certificate of graduation.

ENDORSED CURRICULUM. A professional massage program presently or at the time the applicant obtained his/her diploma or certificate of graduation delivering a curriculum approved by the Commission of Massage Therapy Accreditation (COMTA) as “Endorsed.”

STUDENT OF MASSAGE THERAPY. A person who is enrolled in and attends classes at a school, college, university, or other institution that is approved by the American Massage Therapists Association or other similar reputable massage association, ~~or~~ accredited by a recognized educational accrediting association or agency, or is licensed by the state or local government agency having jurisdiction over the school or an endorsed curriculum.

Section 2. Chapter 123 of the Apple Valley City Code is hereby amended by revising Section 123.04(B)(10) to read as follows:

§ 123.04 LICENSE APPLICATION.

* * * *

(10) One of the following:

(a) Proof of successful completion of a minimum of 500 credit hours of certified therapeutic massage training/course work that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program;

(b) A diploma or certificate of graduation for a comprehensive massage therapy program consisting of the course work stated above in division (B)(10)(a) issued to the applicant from an accredited institution, ~~or an accredited program,~~ or an institution or program with endorsed curriculum for massage therapy; or

(c) Proof of passing the National Certification Exam (also known as Massage & Bodywork Licensing Examination (MBLEx)) offered by the National Certification Board for Therapeutic Massage & Bodywork or the Federation of State Massage Therapy Board and a minimum of ~~seven~~ three (3) years of full-time work experience as a massage therapist within the United States; and

Section 3. Chapter 123 of the Apple Valley City Code is hereby amended by revising Sections 123.03(C) to read as follows:

(C) *Exception.*

(1) This section shall not apply to and no massage therapy business license shall be required for:

(a) A health care office, clinic, or facility:

1. Owned by a municipal corporation organized under the laws of the state, or

2. Owned by the state or any of its agencies, or

3. Licensed by the state; or

(b) Any business or entity owned and operated by state licensed medical professional(s) through whom therapeutic massage is provided to its patients as a secondary health care treatment provided by the business or entity.

(c) Any business operating as a cosmetology salon which is licensed by the State of Minnesota as a cosmetology salon as the term is defined by the state licensing regulations and all massages provided are within the scope of providing cosmetology personal services under the state license.

(2) This section shall not apply to, and no massage therapy business license shall be required for, an accredited institution which provides an accredited program of study or course work in massage therapy or therapeutic massage provided:

(a) The school, college, university, or institution meets the criteria set forth in the definition of student of massage therapy herein; and

(b) The massage therapy is provided during and as part of a course or clinical component of the school's program or course work; and

(c) The person is supervised by an instructor while providing or performing massage therapy.

(3) This section shall not apply to and no massage therapist license shall be required for:

(a) A massage therapist who is working for, or an employee of, a medical professional licensed under M.S. Chapter 147 or Chapter 148 or an employee of a health care office, clinic, or facility:

1. Owned by a municipal corporation organized under the laws of the state, or
2. Owned by the state or any of its agencies, or
3. Licensed by the state; or

(b) Any student of massage therapy meeting the definition as set forth herein, provided:

1. The massage therapy is provided during and as part of a course or clinical component of an accredited program or course work; and

2. The massage therapy student is supervised by an instructor while providing or performing massage therapy services. A notice, which advises the public that the person who may provide massage therapy services is a student of massage therapy and is not licensed by the city, shall be posted in a conspicuous location in the room in which the massage therapy is provided.

(c) A cosmetologist who hold a cosmetologist license issued by the State of Minnesota and the massage services are within the scope of providing cosmetology personal services under the state license and within the premises of a cosmetology salon licensed by the State of Minnesota.

Section 4. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. ____" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 5. Filing. A copy of the ordinance shall be filed in the office of the City Clerk. This copy shall be available for inspection by any persons during regular office hours.

Section 6. Publication. The City Clerk shall publish the title of this ordinance and the official summary in the official newspaper of the City with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the Office of the City Clerk.

Section 7. Effective Date. This ordinance shall take effect upon its passage and publication.

PASSED by the City Council this ____ day of _____, 2023.

Clint Hooppaw, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk

DRAFT

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The following is the official summary of Ordinance No. ____ passed by the City Council of
Apple Valley on _____, 2023:

Chapter 123 of the City Code is amended to revise and add definitions relative to the
licensing regulations for massage therapy businesses and massage therapists. Chapter 123
is further amended to update references to and requirements for national certification in
massage and bodywork training and board examination. The application requirements for
massage therapist was amended to accept graduation or certification from institutions or
programs that have pending accreditation for endorsed curriculum from Commission of
Massage Therapy Accreditation (COMTA).

A printed copy of the ordinance is available for inspection by any person during regular office
hours in the office of the City Clerk at the Apple Valley Municipal Center, 7100 147th Street
W., Apple Valley, Minnesota 55124.