



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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H.B. 717

132nd General Assembly
(As Introduced)

Reps. Brenner, Carfagna, Ginter

BILL SUMMARY

- Modifies the authority of a township to regulate massage establishments by:
 - Removing the requirement that a township wishing to regulate a massage establishment's activities must first require an establishment to obtain a permit and an individual to obtain a township-issued license; instead, allows a township to simply regulate an establishment's activities without the other requirements.
 - Allows a township to require that massages be performed only by individuals having one of the state-issued occupational licenses the bill specifies, including a massage therapist license, or who is a student or recent graduate working toward a massage therapist license.
- Creates a third degree misdemeanor criminal penalty for an individual who knowingly performs massages in a massage establishment in a township that requires a state-issued occupational license and the individual is unlicensed or not a student or recent graduate.
- Eliminates the requirement that an applicant for a permit or a township-issued license provide the applicant's Social Security number.
- Requires an applicant for a township-issued license to provide evidence the applicant is eligible to work in the United States.
- Modifies the requirement for including the name and address of certain stockholders of a corporation applying for a massage establishment permit.

CONTENT AND OPERATION

Registration requirements

A township has authority under current law to regulate massage establishments within the unincorporated territory of the township. However, a township wishing to regulate the *activities* of a massage establishment (hours of operation, age of employees, etc. . .) also must require a massage establishment to obtain a permit from the township. In addition, the township must require any individual wishing to perform massage services to obtain a township-issued license. Current law and the bill refer to the permit and license as the "registration requirements." The bill provides townships more flexibility by allowing a township to regulate the *activities* of an establishment *without also requiring* that an establishment obtain a permit and that an individual obtain a license from the township. In effect, the bill allows a township to regulate the activities of a massage establishment and, if the township wishes, to also require a massage establishment to obtain a permit and/or an individual to obtain a township-issued license.¹

State-issued occupational licenses

The bill allows a township to require that massages performed in a massage establishment be performed only by any of the following individuals licensed under state law:²

- An individual with a state-issued massage therapist license,³ or a student or recent graduate of an educational program working toward a massage therapist license; or
- An individual with a state-issued license as a barber or other cosmetology-related professional,⁴ or as a nurse,⁵ chiropractor,⁶ acupuncturist, oriental medicine practitioner, physician assistant, or other medically related

¹ R.C. 503.41.

² R.C. 503.411(A).

³ Issued by the State Medical Board under Chapter 4731. of the Revised Code.

⁴ Issued by the State Cosmetology and Barber Board under Chapter 4709. or 4713. of the Revised Code.

⁵ Issued by the Board of Nursing under Chapter 4723. of the Revised Code.

⁶ Issued by the State Chiropractic Board under Chapter 4734. of the Revised Code.



professional,⁷ who provides massage as a portion of and incidental to their licensed services.

If a township adopts this requirement, the township cannot exclude any of the individuals or state-issued licenses listed above.⁸ An individual who does not possess one of the state-issued licenses or who is not a student or recent graduate as described above and who knowingly performs massages in a massage establishment in a township that has adopted this requirement is guilty of a third degree misdemeanor.⁹

Express authority to regulate activities

The bill specifies that a township may establish prohibited hours of operation, prohibit sexual or genital touching, require massage establishments to comply with the township's zoning regulations, and adopt any other regulation the township finds necessary for the health, safety, and welfare of township residents.¹⁰ These provisions generally apply to massage establishments under current law.¹¹

Permit application requirements

The bill removes the current law requirement that an applicant for a permit to operate a massage establishment provide the applicant's social security number, and requires a permit applicant to provide proof the applicant complies with the township's zoning regulations. In addition, the bill modifies the requirement for including the name and address of any stockholder holding more than 2% of the stock of a corporate applicant by limiting the requirement to a corporate applicant having less than 50 employees or any stockholder holding more than 25% of the stock of a corporate applicant having more than 50 employees.¹²

Township-issued license requirements

The bill also removes the current law requirement that an applicant for a township-issued license provide the applicant's Social Security number. However, the bill requires an applicant to provide evidence the applicant is eligible to work in the

⁷ Issued by the State Medical Board under Chapter 4730., Chapter 4731., and Chapter 4762. of the Revised Code.

⁸ R.C. 503.411(B).

⁹ R.C. 503.411(C) and 503.50(C).

¹⁰ R.C. 503.411(D).

¹¹ Chapter 519. of the Revised Code (zoning) and R.C. 503.42(B) and (C).

¹² R.C. 503.43.



United States, for instance by providing the applicant's completed federal I-9 form with a current verification of employment authorization.¹³

HISTORY

ACTION	DATE
Introduced	08-02-18

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¹³ R.C. 503.45.

