

CITY OF ST. GEORGE

BY COUNCIL MEMBER EDMONDS:

ORDINANCE NO. 2025-012

**TO REGULATE MASSAGE ESTABLISHMENTS AND TO
PROVIDE FOR RELATED MATTERS**

WHEREAS, the Council for the City of St. George desires to regulate the operations of massage establishments and to provide for related matters.

NOW, THEREFORE, BE IT ORDAINED by the St. George City Council, State of Louisiana, Chapter 20 of Title 9 is enacted as follows:

Section 1. Enactment.

**Title 9. LICENSING AND REGULATION OF TRADES AND OCCUPATIONS
Chapter 20. MASSAGE ESTABLISHMENTS**

Sec. 9:1100. Definitions.

The words, terms, and phrases, when used in this article, shall have the following meaning:

Business includes, but is not limited to, everything about which a person can be employed, and means that which occupies the time, attention, and labor of men and women for the purpose of producing a livelihood or profit, and connotes the efforts of men and women varied and diverse methods of dealing with each other, to improve their individual economic conditions, and for the purposes of this chapter shall include, but are not limited to, the advertising solicitation, and/or performance of massages. The term "business" includes, but is not limited to, a massage therapist who is the sole owner, operator, and employee of a massage business operating as a sole proprietorship, as well as a massage establishment that employs massage therapists.

Board shall be defined as the Louisiana Board of Massage Therapy or any other board or entity established by the state to govern the practice of massage therapy.

Business license is the license issued by the business license office of the City of St. George, also known as an occupational license.

Business license office is the business license office of the City of St. George (the "City").

Client shall be defined as a customer or patron who pays for or receives massage services or any other service offered by the massage establishment.

Compensation includes, but is not limited to, the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

Employee means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business or its owner or other employee.

Licensed massage therapist shall be defined as a person licensed to practice massage by the Louisiana Board of Massage Therapy.

Lobby means the area of the building in which registration of clients occurs, including, but not limited to, the area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors.

Massage and massage therapy means any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of compensation by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including, but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath, or reflexology.

Massage business, or establishment used interchangeably, refers to any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities including, but not limited to, showers, baths, wet and dry heat rooms, pools, and hot tubs, shall be deemed a massage business under this chapter. The term massage business includes but is not limited to a licensed massage therapist who is the sole owner, operator, and employee of a massage business operating as a sole proprietorship.

Outcall means a massage scheduled and performed by a licensed massage therapist at any location other than the massage establishment.

Outer garments mean garments worn over other garments and do not include underwear, bras, lingerie, or swimsuits.

Owner, proprietor, operator, or massage business owner, used interchangeably, means any of the following persons:

- (1) Any person who is a general partner of a general or limited partnership that owns a massage business;
- (2) Any person who has a five percent or greater ownership interest in a corporation that owns a massage business;
- (3) Any person who is a member of a limited liability company that owns a massage business;
- (4) Any person who has a five percent or greater ownership interest in any other type of business association that owns a massage business.

Person means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals, or any juridical entity.

Practitioner or *licensed massage therapist*, used interchangeably, means any person who administers massage to another person, for any form of consideration (whether for the massage, as part of other services, or a product, or otherwise.)

Sexually oriented business shall be defined as a sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult model, or other commercial enterprise which has as its primary business the offering of a service or the sale, rent, or exhibit of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

Solicit means to request, ask, demand, or otherwise arrange for the provision of services.

Sec. 9:1101. Occupational license required.

- (a) It shall be unlawful for any massage business to transact any phase of business in the City without first applying to the business license department for an occupational license. Every person, whether natural or juridical, who desires to lease or buy private property to conduct any of the businesses or callings hereinafter set forth, shall first apply for and be granted an occupational license on the forms provided by the City after providing all required documentation.
- (b) All occupational licenses are the property of the City and shall be surrendered upon demand of the City.
- (c) No business license shall be issued until all requisite approvals and permits by the State Board of Massage Therapy, Department of Health and Hospitals, State Fire Marshal, and all other state-required approvals and permits are finalized and received by the business license department.
- (d) All licensees shall comply with the applicable state laws and regulations and the Code of Ordinances.
- (e) Licenses shall be issued on an annual basis beginning on January 1, 2026 and shall expire on December 31st.
- (f) Business licenses and all requisite approvals shall be conspicuously displayed and affixed to the wall of the lobby of the massage establishment in a manner clearly visible to patrons within the lobby at all times during the operation of the business.
- (g) Massage establishment proprietors shall provide the business license department with the dates and hours of operation for the business. Massage establishment proprietors must notify the business license office of any changes to their dates or hours of operation before the changed hours take effect.

- (h) Obtaining a massage establishment license shall be the responsibility of the entity that controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.
- (i) Business owners or proprietors shall certify that all of the information contained in their occupational license application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the requirements of this article and local, state or federal law, may result in the revocation of the business's occupational license.
- (j) Name or location changes to any license shall be submitted to the business license office within 30 days of the change with any applicable fees.
- (k) A massage establishment shall apply to the City's business license department to amend its registration certificate within 30 days after any change in the registration information, including, but not limited to, the hiring and termination of licensed massage therapist, a change in the business's address, or changes in the owner's addresses and/or telephone numbers.
- (l) Nothing herein relieves an individual or business from obtaining any other licenses, conditional use permits, or other permits if required by any ordinance or law.
- (m) All licenses issued by the City are nontransferable and shall be for the sole use and benefit of the business owner and location of issuance.
- (n) The requirements set forth in this section shall not apply to persons exempt by R.S. 37:3556.

Sec. 9:1102. Rules and regulations for massage establishment proprietors and massage therapists.

In addition to all other applicable state and local laws and ordinances pertaining to licenses and franchises, all massage establishments operating pursuant to this division shall also be subject to the following provisions:

- (1) No person shall engage in the practice of massage therapy without a current license issued pursuant to La. R.S. 37:3556 unless such a person is exempt under the laws of the state.
- (2) Each person engaging in the practice of massage therapy shall be the holder of a licensed massage therapist identification card (LMT-ID card), which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.
- (3) A massage establishment shall employ or contract only licensed massage therapists to perform massage therapy.
- (4) Each licensed massage therapist working at a massage establishment shall display their LMT-ID card in plain view in an appropriate public manner. A licensed massage therapist who is working outside of a massage establishment shall have in their possession the LMT-ID card and shall present it for review upon request of a client or designated City official.
- (5) Each individual performing massage therapy and the business proprietor must submit to a background check. A business license will not be granted if any individual performing massage therapy has, within the five years preceding the date of the application, been

convicted of a nonviolent felony. A business license will not be granted if any individual, at any time, performing massage therapy has been convicted of or pled nolo contendere to a violent felony or criminal offense involving sexual misconduct. The background check must include the individual's business, occupation, and employment history, the inclusive dates of that employment history, the name and address of any massage business or similar business owned and operated by the individual, whether inside or outside the limits of the City.

- (6) All individuals performing massage therapy must present a valid Louisiana drivers' license and/or identification issued by a state or federal government agency, or other photographic identification bearing a bona fide seal by a foreign government, to be photocopied and attached to their application.
- (7) Each individual performing massage therapy and the business proprietor must present a recent photograph to be attached to their massage therapist license and kept on file in the business licensing office.
- (8) A massage therapist shall operate only under the name specified on the license issued by the Board. A massage business shall operate only under the name specified in its occupational license and establishment license issued by the Board.
- (9) All massage business operators and their employees, including massage therapists shall wear clean, non-transparent outer garments. These garments shall not expose their genitals, pubic areas, buttocks, or chest, and shall not be worn in such manner as to expose the genitals, pubic areas, buttocks, or chest.
- (10) No massage shall be given unless the client's genitals are at all times fully covered. A massage therapist shall not, at any time make physical contact with the genitals or private parts of any client while performing a service regardless of whether the contact is over or under the person's clothing.

Sec. 9:1103. Massage establishments.

- (a) All massage establishments must obtain and display occupational licenses and the licenses of each massage therapist offering to or performing services in the lobby of the massage establishment in a manner clearly visible to patrons within the lobby at all times during the operation of the business.
- (b) Quiet and good order shall be maintained upon the premises and shall not permit disorderly or immoral conduct or loitering thereon, nor shall he cause or permit any noise or nuisance on the parking area of the establishment whereby the quiet and good order of the neighborhood are disturbed.
- (c) A list of the services available and the cost of such services shall be posted in the reception area of the massage establishment and shall be described in readily understandable language. Outcall service providers shall provide such a list to clients in advance of performing any service. No owner, manager, operator, or responsible managing employee shall permit, and no massage therapist shall offer or perform, any service other than those posted or listed as required herein, nor shall any operator or massage therapist request or charge a fee for any service other than those listed therein.
- (d) For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the

service received; the name or initials of the employee entering the information; the name of the client; and the name of the massage therapist providing services. Such records shall be open to inspection and copying by police officers, or used by any massage therapist or operator for any purpose other than as records of service provided, and may not be provided to other parties by the massage therapist unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two years and shall be immediately available for inspection during business hours.

- (e) Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in a sanitary location. Towels and linens shall not be used on more than one client unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate, approved receptacles.
- (f) Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned after each use with a disinfectant. All walls, ceilings, floors, and other physical facilities for the business must be in good repair and maintained in a clean and sanitary condition.
- (g) Instruments utilized in performing massage shall not be used on more than one client unless sterilized, using appropriate sterilization methods.
- (h) No person shall enter, be, or remain in any part of a massage business while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs, except pursuant to a prescription, except as allowed by the Louisiana Office of Alcohol and Tobacco Control and the City. The owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises except as permitted by the Office of Alcohol and Tobacco Control and the City.
- (i) No massage business shall place, publish or distribute, or cause to be placed, published, or distributed, whether by manual, physical, or electronic means, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to the foregoing, nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.
- (j) All signs shall be in conformance with current City ordinances.
- (k) Minimum lighting, consisting of at least one artificial light of not less than 40 watts or the equivalent, shall be provided and shall be operating in each room or enclosure where massage services are performed and in all areas where clients are present.
- (l) Ventilation shall be provided in accordance with applicable building codes and regulations.

- (m) Hot and cold running water shall be provided at all times.
- (n) Adequate dressing, locker, and toilet facilities shall be provided for clients.
- (o) A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.
- (p) All massage businesses shall comply with all state and federal laws and regulations for handicapped clients.
- (q) No massage business shall allow any person to reside within the massage business or in attached structures owned, leased, or controlled by the massage business.
- (r) No massage establishment shall provide massages after 10:00 p.m. or before 7:00 a.m.

Sec. 9:1104. Inspection by officials.

The investigating and enforcing officials of the City, including, but not limited to, the police, building official, issuer of occupational licenses, fire department or their designees, shall have the right to enter the premises at any time during regular business hours for the purpose of making reasonable inspections and to observe and enforce compliance with building, fire, electrical, plumbing, or health regulations, and to enforce compliance with the applicable regulations, laws, and statutes, and with the provisions of this chapter. The business may be charged any fee applicable to such safety inspections.

Sec. 9:1105. Grounds for revocation of occupational license.

- (a) The investigating and enforcing officials of the City may suspend, revoke, or refuse to issue or renew an occupational license after notice and opportunity for hearing, upon proof of any of the following:
 - 1) Obtaining a license by means of fraud; misrepresentation, or concealment of material facts, including making false statements on an application or other document required by the City;
 - (2) Selling, bartering, or offering to sell or barter a license;
 - (3) Engaging in unprofessional conduct that has endangered or that is likely to endanger the health, welfare, or safety of the public;
 - (4) The conviction, nolo contendere plea, or receipt of deferred adjudication of any person employed by the massage establishment of any crime arising out of or connected with the practice of massage therapy, unless such a conviction was reversed on appeal;
 - (5) The conviction, nolo contendere plea, or receipt of deferred adjudication of any person employed by the massage establishment at the time of commission of the crime to a violent felony or criminal offense involving sexual misconduct or prostitution;
 - (6) Violating or aiding and abetting in the violation of any provisions of this chapter or the rules and regulations promulgated hereunder;
 - (7) Failing to comply with license or renewal requirements from the City, the state, or the State Board of Massage Therapy.

- (8) The determination by the business license office or Board of Massage Therapy that the establishment is a sexually oriented business or that a crime or offense involving prostitution or other sexual offenses and resulting in a conviction, to which a plea of nolo contendere was entered or deferred adjudication received, has occurred on the premises of the establishment since the date of the most recent license renewal.
- (b) The City shall impose a fine on massage establishments and massage therapists who continue to operate without a proper occupational license of \$500.00 per offense. Each day of a violation shall constitute a separate violation.
- (c) A suspension or revocation issued pursuant to this chapter will be effective ten days from the date appearing in the order unless a timely appeal is filed pursuant to the administrative procedures set forth in Title 4 of the City of St. George Code. The decision of the administrative hearing judge shall be final, with no further administrative right of appeal or reconsideration.
- (d) No re-application for an occupational license shall be accepted within one year after revocation.

Sec. 9:1106. Public nuisance.

It shall be unlawful and a public nuisance for a massage business to be operated, conducted, or maintained contrary to the provisions of this chapter. The City may exercise its discretion, in addition to or in lieu of prosecuting a criminal action, to commence proceedings for the abatement, removal, and enjoinder of that business in any manner provided by law.

Sec. 9:1107. Exemptions.

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties.

- (1) Physicians, surgeons, chiropractors, osteopaths, nurses, or any physical therapists who are duly licensed to practice their respective professions in the state, and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person.
- (2) Barbers and cosmetologists, duly licensed under the laws of the state, while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands, or feet of their clients.
- (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the state, and employees of these licensed institutions, while acting within the scope of their employment.
- (4) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are trained in therapeutic sports massage, acting within the scope of their employment, and performing massages for athletic purposes.
- (5) Trainers of amateur, semi-professional, or professional athletes or athletic teams who are trained in therapeutic sports massage, while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event.

- (6) Individuals administering massages or health treatment involving massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons, and other similar events; provided, that all of the following conditions are satisfied:
- a. The massage services are made equally available to all participants in the event;
 - b. The event is open to participation by the general public or a significant segment of the public, such as employees of sponsoring or participating corporations;
 - c. The massage services are provided at the site of the event, either during, immediately preceding or immediately following the event;
 - d. The sponsors of the event have been advised of and have approved the provisions of massage services;
 - e. The persons providing the massage services are not the primary sponsors of the event.

Sec. 9:1108. Penalties.

- (a) Violations of the provisions of this chapter shall be considered a misdemeanor, and any person, including the owner or operator of a massage establishment, upon conviction by a court of competent jurisdiction, shall be fined not less than \$100 nor more than the maximum amount allowed by state law or imprisoned for not more than 60 days, or both.
- (b) Any person, proprietor, or establishment convicted of a violation of any provision of this chapter shall additionally be ineligible for licensure as a massage therapist or massage establishment for a period of up to five years from the date of conviction.

Section 2. Severability. If any section, subsection, sentence, clause, or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

Section 3. Effective Date. This ordinance shall be effective upon publication.

This Ordinance having been submitted to a vote, the vote thereon was as follows:
Ayes: Cook, Edmonds, Himmel, Monachello
Nays: Heck

Introduced to the City Council on March 11, 2025.



Lorraine Beaman, City Clerk

Delivered to Mayor on March 28, 2025.



Lorraine Beaman, City Clerk

Approved:



Dustin Yates, Mayor

Received from Mayor on March 31, 2025.



Lorraine Beaman, City Clerk

Ordinance published in The Advocate on the 3rd day of April, 2025.