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Massage Regulation

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Massage Regulation

Private Acts of 1975 Chapter 169

SECTION 1. As used in this Act, unless the context otherwise requires:

- (a) "Massage" means the art of body massage either by hand or with a mechanical or electrical apparatus for the purpose of massaging, reducing or contouring the body, and may include the use of oil rubs, heat lamps, saltgloves, hot and cold packs, tub showers or cabinet baths.
- (b) "Masseur" or "Masseuse" means a person who practices or administers massage.
- (c) "Massage establishment" means a place of business wherein the practice of massage, as defined in subsection (a) is practiced.
- (d) "Certificate of registration" means the certificate issued by the county court clerk pursuant to Sections 3 and 5.
- (e) "Clerk" means the county clerk of Hamblen County.

SECTION 2. (a) No person shall operate or conduct any massage establishment which does not conform to the provisions of this Act or employ any person as a masseur or masseuse in such establishment who does not hold a certificate of registration.

(b) No masseur or masseuse, either for payment or free demonstration, shall practice, or administer massage in a massage establishment without a certificate of registration.

SECTION 3. The Quarterly County Court of Hamblen County shall by rules and regulation adopt a schedule of license fees for the application, issuance, and renewal of certificates of registration. No fee on such schedule shall exceed one hundred (\$100). The monies derived from such fees shall be sufficient to provide for the total costs of the implementation, administration and enforcement of this Act.

SECTION 4. The county health department regularly examine and inspect, or cause to be examined or inspected, all massage establishments in Hamblen County. For this purpose, the county health department and its agents and employees may enter and inspect any massage establishment at any reasonable time during which such establishment or school is open for the transaction of business.

SECTION 5. (a) Upon receipt of an application for a masseur or masseuse, the clerk shall issue a certificate of registration to any person who:

- (1) Is eighteen (18) years of age or over.
- (2) Is a high school graduate or has passed the General Educational Development Test.
- (3) Has been a resident of this state for at least six (6) months preceding his or her application;
- (4) Is of good moral character;
- (5) Has a diploma or credentials issued by a massage school;
- (6) Furnishes a certificate of good health and freedom from communicable disease issued by a physician.

(b) The clerk shall issue a certificate of registration upon receipt of an application to operate or conduct any massage establishment to any person who completes requirements, (2), (3), (4), and (6) of subsection (a) of this section.

(c) All applications to the Clerk shall be accompanied by a non-refundable fee as established by the clerk pursuant to Section 3 of this Act.

SECTION 6. Any person who is a resident of this state and has actively engaged in the practice of massage, and

- (1) has practiced the profession three (3) years or more at any place within this state, or
- (2) has served as an apprentice three (3) years at any place within the state, or
- (3) has a diploma from an approved school of massage, may be granted a certificate of registration without first having satisfied requirement 6 of Section 5(a). Such person may obtain a certificate of registration by making an application, satisfying all other requirements of Section 5(a), and paying the required fee. Such application shall be completed within one (1) year from the elective date of this Act.

SECTION 7. The following classes of persons are not required to register under this Act:

- (a) Persons authorized by the laws of this State to practice any branch of medicine, surgery, osteopathy,

chiropractic or podiatry,

(b) Commissioned medical or surgical officers of the United States Army, Navy, Air Force, or Marine Hospital Service,

(c) Registered nurses, practical nurses, optometrists, barbers and cosmetologists,

(d) Persons coming within the licensing provisions of the healing arts in Title 63, Tennessee Code Annotated,

(e) Coaches of teams participating in athletic contests and endeavors,

(f) Physical therapists, physical therapy assistants, and X-ray technicians employed in licensed hospitals or licensed nursing homes working under the supervision of a physician or licensed nurse.

Any exemption granted under this Act is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this Act, and exemptions under this Act are only for those activities which are performed in the course of the bona fide practice of the business or profession of the person exempted.

SECTION 8. A certificate of registration shall be renewed annually before the first day of January, by payment of a renewal fee as provided in accordance with Section 3. If a certificate is not renewed within thirty (30) days of such date, a delinquent renewal fee shall be assessed by the clerk. Such delinquent fee shall be established in accordance with Section 3, but shall not be less than twenty dollars (\$20).

The holder of an expired certificate of registration may, within one (1) year from the date of expiration, have the certificate renewed upon payment of the required renewal fee. Any registrant who does not renew his or her registration for two (2) consecutive years because of sickness or other reason, or absence from the county shall comply with all provisions applicable to any original applicant for registration.

SECTION 9. Every holder of a certificate of registration shall display it in a conspicuous place near his or her work.

SECTION 10. (a) The district attorney general shall, upon the information or at the request of any resident of the county, investigate and prosecute violations of this Act.

(b) The district attorney general may file a petition in circuit or chancery court to suspend or revoke a certificate of registration, if any one of the following grounds is present:

(1) The registrant is guilty of fraud in the practice and administration of massage, or fraud or deceit in his admission to practice and administration of massage.

(2) The registrant has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.

(3) The registrant is addicted to the habitual use of intoxicating liquors, drugs or stimulants to such an extent as to incapacitate such person for the performance of his or her professional duties.

(4) The registrant is guilty of fraudulent, false, misleading or deceptive advertising, or he or she prescribes medicines or drugs, or practices any licensed profession without legal authority.

(5) The registrant is guilty of negligence in the practice and administration of massage, or has been guilty of employing, allowing or permitting any unregistered person to perform massage in his or her establishment.

(6) The registrant has violated any of the provisions of this Act.

SECTION 11. It is a misdemeanor for a masseuse or masseur to practice or administer massage or for any person to operate a massage establishment without complying with the registration and other provisions of this Act. If a masseur, masseuse or massage establishment is convicted for violation of this Act, the court shall revoke or suspend the certificate of registration if a certificate of registration is in effect for this person, or massage establishment.

SECTION 12. The clerk shall keep a record book in which shall be entered the names of all persons to whom certificates have been granted under this Act, the certificate number of each, and the date of granting such certificate, any renewal thereof, and other matters of record.

SECTION 13. (a) If the county health department ascertains that any masseur or masseuse may be in such physical conditions as to jeopardize the health of those who seek massage from him or her, the health department may require the certificate holder to have a physical examination by a competent medical examiner to be paid for by the county.

If such person is found to have a communicable disease while practicing massage, such person is

disqualified from obtaining, holding, or renewing a certificate of registration. The granting or renewal of such certificate shall be denied until such person furnishes due proof of being physically competent to practice massage.

(b) The county health department may adopt reasonable rules and regulations regarding the personal cleanliness of masseurs and masseuses, and the sanitary conditions of towels, linen, creams, lotions, oils and other materials, facilities, and equipment used in the practice and administration of massage. Masseurs and masseuses shall not be required to have more than one physical examination a month unless the county health department ascertains the conditions specified in subsection (a) of this section. All physical examinations, except the physical examination required for applicants, that are required by the county health department, are to be paid for by the county.

SECTION 14. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 15. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 15, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 15.

Passed: May 21, 1975.

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