

ORDINANCE NO. 7660

AN ORDINANCE AMENDING CHAPTER 19 ARTICLE III DIVISION 1 SECTION 19-61 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS; REGARDING LICENSING OF MASSAGE THERAPY ESTABLISHMENTS AND MASSAGE THERAPISTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS:

Section 1: That Section 19-61 of the Code of Ordinance of the City of Manhattan, Kansas is hereby amended to read as follows:

Sec. 19-61. - Definitions.

Accredited institution shall mean a post-secondary institution that is accredited by one of the regional agencies of the higher learning commission or an institution recognized by the Kansas Board of Regents to provide vocational, technical or post-secondary education in the state.

Convicted or conviction shall mean being found guilty or entering into a diversion agreement or deferred judgment agreement.

Crimes involving moral turpitude includes selling sexual relations, promoting the sale of sexual relations, buying sexual relations, human trafficking, aggravated human trafficking, promoting travel for child exploitation, soliciting for immoral purposes, public nudity, loitering for the purposes of solicitation, commercial sexual exploitation of a child, incest, aggravated incest, bigamy, promoting obscenity, promoting obscenity to minors, promotion to minors of material harmful to minors, any crime set forth in Article 55 of Chapter 21 of the Kansas Statutes Annotated, possession, sale or distribution of any illegal drug or controlled substance, except misdemeanor simple possession of marijuana, the attempt, conspiracy, or criminal solicitation of any crime listed herein; or any other offenses similar to those listed herein that are contrary to the laws of any city, state or of the United States.

Duly authorized athletic team shall mean any semi-professional or professional athletic team, or any athletic team organized by and associated with any elementary, middle or high school; any secondary educational institution or accredited post-secondary educational institution.

Employee shall mean any person, other than a massage therapist, who renders any service for or on behalf of a licensee under this article and/or who receives compensation from the licensee or a patron.

Massage therapist shall mean any person who, for any consideration whatsoever, engages in massage therapy.

Massage therapy shall mean a service involving the external manipulation or pressure of soft tissue for therapeutic purposes. It is the application of a system of structured touch, pressure, movement and holding of the soft tissue of the human body in which the primary intent is to relieve pain, improve circulation, relieve stress, increase relaxation and enhance or restore the health and well-being of the client. The practice of massage therapy includes complementary methods, including the external application of water, heat, cold, lubrication, salt scrubs, body wraps or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.

Massage therapy establishment shall mean any establishment where any person engages in massage therapy for any compensation whatsoever.

Massage therapist school shall mean an approved massage therapy education program that meets the criteria established in this chapter, and any amendments thereto, and is both authorized in the jurisdiction in which it is located and that reflects a curriculum acceptable to an accrediting body recognized by the United States Department of Education. Education received outside of the United States must be substantially equivalent to the criteria of this chapter and must be recognized by the jurisdiction in which it is located.

Off-site massage therapy shall mean massage therapy that is provided, for any consideration whatsoever, by a massage therapist upon any business or residential premises provided by the patron, other than upon the premises of a massage therapy establishment or upon the massage therapist's residential premises.

Operator shall mean the following persons:

- (a) A massage therapy establishment licensee;
- (b) Any person with a financial interest in the partnership, corporation, limited liability company or other type of organization that owns or operates the massage therapy establishment license, if such person who has more than a ten-percent interest in such entity; or
- (c) Any person whom the licensee designates on the massage therapy establishment license as a person who may be principally in charge of a massage therapy establishment at any given time, including, but not limited to, a manager.

Patron shall mean any person who utilizes or receives the services of any massage therapist and/or massage therapy establishment under such circumstances that it is reasonably expected he or she will pay money or give any other consideration therefor.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication in The Manhattan Mercury.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS,
THIS 5TH DAY OF SEPTEMBER, 2023.**

Mark J. Hatesohl, Mayor

ATTEST:

Brenda K. Wolf, CMC, City Clerk

(PUBLISHED IN *THE MANHATTAN MERCURY* ON SEPTEMBER 9, 2023)

ORDINANCE NO. 7660 SUMMARY

On September 5, 2023, the City of Manhattan, Kansas adopted the following ordinance:

AN ORDINANCE AMENDING CHAPTER 19 ARTICLE III DIVISION 1 SECTION 19-61 OF THE CODE OF ORDINANCES OF THE CITY OF MANHATTAN, KANSAS; REGARDING LICENSING OF MASSAGE THERAPY ESTABLISHMENTS AND MASSAGE THERAPISTS.

The Ordinance amends the definition section regarding licensing of massage therapy establishments and massage therapists, more specifically the definition of crimes involving moral turpitude. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 1101 Poyntz Avenue, Manhattan, KS 66502, Monday – Friday, 8 a.m. – 5 p.m., and is available for at least one week following the publication date of this summary at www.cityofmhk.com. This Summary certified to be legally accurate and sufficient by City Attorney Katharine Jackson.

City Attorney

Date certified: _____