

CITY OF KENNEWICK  
ORDINANCE NO. 6026

AN ORDINANCE RELATING TO MASSAGE AND REFLEXOLOGY  
SERVICES AND ADDING CHAPTER 6.37 TO THE KENNEWICK  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS  
FOLLOWS:

**Section 1.** Chapter 6.37 of the Kennewick Municipal Code, be, and the same hereby is, added to  
read as follows:

**Chapter 6.37: - MASSAGE AND REFLEXOLOGY SERVICES**

**6.37.010 Purpose.**

The Kennewick City Council recognizes the therapeutic benefits of massage and reflexology services, and contributions of massage and reflexology businesses. However, it realizes that some practitioners represent themselves as massage therapists or reflexologists to facilitate unlicensed practice and prostitution. The practice undermines the public health, safety, and welfare of residents as well as the integrity, legitimacy, and security of licensed practitioners. This Chapter promotes the provision of legitimate massage and reflexology services and operation of licensed massage and reflexology businesses, and prohibits unlicensed practice and prostitution.

**6.37.020 Class.**

A massage or reflexology business license is a Class II license.

**6.37.030 Definitions.**

For the purposes of this Chapter:

1. *Advertise* and *Advertising* include, but are not limited to:
  - a. Advertising in texts, pamphlets, newspapers, newsletters, magazines, instant messages, handbills, fliers, emails, circulars, cards, bulletins, or business cards;
  - b. Advertising on websites, social media forums, social media accounts, chatrooms, cell phone applications, blogs, television, or radio;
  - c. Advertising on billboards, businesses, residences, or vehicles;
  - d. Distributing pamphlets, handbills, fliers, circulars, cards, or business cards;
  - e. Posting signs; and

- f. Posting in the classified or forum sections of newspapers, newsletters, magazines, websites, social media forums, social media accounts, chatrooms, cell phone applications, or blogs.
- 2. *Board* means the Washington State Board of Massage.
- 3. *Breast Massage* means the specific and deliberate manipulation of breast tissue pursuant to Washington Administrative Code (WAC) 246-830-555. Massage of the surrounding chest and shoulder muscles such as massage of the intercostal, pectoral, or axillary muscles is not considered breast massage.
- 4. *Conspicuously Display* means:
  - a. Displaying a massage business license, reflexology business license, massage therapist license, or reflexology certification at or near the massage or reflexology business' entrance so it can easily be read while the business is open;
  - b. Displaying a massage therapist's name and license number on his or her advertisements so it can easily be read; or
  - c. Displaying a reflexologist's name and certification number on his or her advertisements so it can easily be read.
- 5. *Department* means the Washington State Department.
- 6. *District* means the Benton-Franklin Health District.
- 7. *Intraoral Massage* means the manipulation or pressure of soft tissue inside the mouth or oral cavity for therapeutic purposes.
- 8. *Linens* means sheets, blankets, towels, gowns, pillow cases, face cradle covers, and other non-impervious fabrics used in the practice of massage.
- 9. *Massage* and *Massage Therapy* mean a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes techniques such as tapping, compressions, friction, reflexology, Swedish gymnastics or movements, gliding, kneading, shaking, and fascial or connective tissue stretching, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force, nor does it include genital manipulation.
- 10. *Massage Business* means the operation of a business where massage services are provided.
- 11. *Massage Business License* means a license issued under this Chapter.
- 12. *Massage Therapist* means a person licensed as a massage therapist under Chapter 18.108 Revised Code of Washington (RCW).

13. *Massage Therapist License* means a license issued under Chapter 18.108 RCW.
14. *Perineum* means the tissues between the anus and scrotum or vulva.
15. *Reflexologist* means a person certified as a reflexologist under Chapter 18.108 RCW.
16. *Reflexology* means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include diagnosis of, or treatment for, specific diseases or joint manipulations.
17. *Reflexology business* means the operation of a business where reflexology services are provided.
18. *Reflexology Business License* means a license issued under this Chapter.
19. *Reflexology Certification* means a certification issued under Chapter 18.108 RCW.
20. *Student* means a person enrolled in an approved massage or reflexology school, program, or apprenticeship program, practicing massage or reflexology techniques, incidental to the school or program under its supervision who is not performing massage or reflexology for compensation.

**6.37.040 License Required.**

1. A person is prohibited from operating a massage or reflexology business without a valid business license.
2. A business license issued under this Chapter is not assignable or transferable.
3. If a massage or reflexology business' address or owner changes, the business is required to forfeit the old license to the City of Kennewick and apply for a new one.

**6.37.050 Fee.**

1. The annual fee for the business license issued hereunder is the sum of \$55.00 plus \$5.00 for each employee. The annual fee amount may be prorated to accommodate synchronization of a license expiration date with a date established by the Business License Service. The number of employees is determined by:
  - a. Adding the total number of hours worked by all employees within the City limits of Kennewick during the 12-month period immediately preceding the year for which the license fee is payable, divided by 1,920, the annual, per person full-time work hour figure used by the Washington State Department of Labor and Industries. The result must be rounded to the nearest whole number.

- b. Employers without 12 months employment history must estimate the number of employee hours that will be worked during the coming 12-month period and use the above calculation on that total.
2. Business licenses issued under this Chapter are effective upon approval and must be renewed through the Business License Service annually on or before the expiration date of the license in order to continue business after the expiration date.
3. Businesses required to obtain a license must do so prior to engaging in or conducting business within the City. Failure to obtain a business license prior to engaging in or conducting business requires an expedited review of the application.
4. Businesses that require an expedited review of their application must pay a fee of \$100.00 in addition to the total license fee due. The expedited review fee must be paid directly to the City and is not part of the license application administered through the Business Licensing Fee. Expedited review is required for businesses that need review in less than the processing time under KMC 6.01.070(1)(c).
5. The fees paid under this Section are nonrefundable.
6. The business name and address of each licensed business are considered public records under Chapter 42.17 RCW, and subject to public record disclosure.

**6.37.060 Denial or Revocation.**

1. The City of Kennewick is permitted to deny a new, or revoke an existing, massage or reflexology business license if:
  - a. An application omits or misrepresents a material fact;
  - b. An applicant or licensee entered a stipulated order of continuance, deferred prosecution, deferred sentence, suspended sentence, or guilty plea in a case charged under:
    1. 18 United States Code (U.S.C) § 1581;
    2. 18 U.S.C. § 1583;
    3. 18 U.S.C. § 1584;
    4. 18 U.S.C. § 1589;
    5. 18 U.S.C. § 1590;
    6. 18 U.S.C. § 1591;
    7. 18 U.S.C. § 1592;
    8. 18 U.S.C. § 1593A;
    9. 18 U.S.C. § 1594;
    10. 18 U.S.C. § 1597;
    11. RCW 9A.88.030;
    12. RCW 9A.88.070;
    13. RCW 9A.88.080;

14. RCW 9A.88.085;
15. RCW 9A.88.090;
16. KMC 6.37.100;
17. KMC 6.37.130;
18. KMC 6.37.140;
19. KMC 6.37.150;
20. KMC 6.37.180; or
21. A similar law or ordinance;
- c. A licensee assigns or transfers a license issued in violation of KMC 6.37.040(2);
- d. A licensee fails to forfeit an old license to the City of Kennewick in violation of KMC 6.37.040(3); or
- e. A business' operations constitute a public nuisance.
2. The City of Kennewick is permitted to revoke a massage or reflexology business license if Benton County District Court determines that a violation of this Chapter occurred.

**6.37.70 Owner, Director, Manager, or Person in Charge.**

1. For the purposes of this Chapter, a massage or reflexology business owner, director, manager, or person in charge includes, but is not limited to:
  - a. A person representing himself or herself as a massage or reflexology business owner, director, manager, or person in charge;
  - b. A person recognized as a massage or reflexology business owner, director, manager, or person in charge by the business' practitioners;
  - c. A person responsible for a massage or reflexology business' operations;
  - d. A person responsible for scheduling or compensating a massage or reflexology business' practitioners;
  - e. A person listed as a registered agent or contact person of a massage or reflexology business with the Washington State Department of Revenue;
  - f. A person listed as a governor or governing person of a massage or reflexology business with the Washington State Department of Revenue or Secretary of State;
  - g. A person listed as an applicant or owner on a Washington State or Kennewick business license application or business license;
  - h. A person signing a massage or reflexology business' lease or rental agreement;
  - i. A person signing a massage or reflexology business' loan;

- j. A person receiving income from a massage or reflexology business that is dependent on a practitioner's services at or on behalf of the business;
  - k. A person paying a massage or reflexology business' property taxes;
  - l. A person paying a massage or reflexology business' lease or rental payment;
  - m. A person paying a massage or reflexology business' accounting, cleaning, insurance, landscaping, security, cable, electricity, garbage, gas, internet, sewer, telephone, television, or water bill;
  - n. A person paying a massage or reflexology business' Washington State or Kennewick business license application fee or business license fee; or
  - o. A person responsible for securing a massage or reflexology business' supplies.
2. The presence of any condition listed under Section 6.37.030(1) is sufficient to establish that a person is a massage or reflexology business owner, director, manager, or person in charge.

**6.37.080 Business Hours and Services.**

- 1. A massage or reflexology business is prohibited from operating between 10:00 p.m. and 6:00 a.m.

**6.37.090 Inspection.**

- 1. The Kennewick Police Department is permitted inspect a massage or reflexology business' common area during business hours to ensure that:
  - a. Each massage therapist or reflexologist is 18 years of age or older;
  - b. Each massage therapist or reflexologist is licensed or certified by the Department;
  - c. The business conspicuously displays its massage business license, reflexology business license, copies of each massage therapist license, and/or copies of each reflexology certification at or near the business' entrance so it can easily be read while the business is open;
  - d. Each massage therapist or reflexologist has a government-issued photo identification on his or her person or available for inspection by the Department, District, and Kennewick Police Department; and
  - e. The names on each massage therapist license or reflexology certification and government-issued photo identification match.
- 2. The Kennewick Police Department is prohibited from inspecting a massage or reflexology business' rooms without consent, a warrant, or other lawful basis.

3. This Section does not limit the Kennewick Police Department's use of lawful investigatory techniques.

#### **6.37.100 License or Certification.**

1. It is unlawful for a person to practice massage therapy or represent himself or herself as a massage therapist without being licensed as a massage therapist by the Department. A person represents himself or herself as a massage therapist when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist except when used by a reflexologist, acupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.
2. It is unlawful for a person to practice reflexology or represent himself or herself as a reflexologist without being licensed as a massage therapist or certified as a reflexologist by the Department. A person represents himself or herself as a reflexologist when the person adopts or uses any title in any description of services that incorporates one or more of the following terms or designations: Reflexologist, reflexology, foot pressure therapy, foot reflex therapy, or any derivation of those terms that implies a reflexology technique or method.
3. A person with an unissued, expired, suspended, or revoked license is unlicensed.
4. A person with an unissued, expired, suspended, or revoked certification is uncertified.

#### **6.37.110 Exemptions.**

This Chapter does not apply to:

1. A person performing massage or reflexology on his or her immediate family members;
2. A person licensed, certified, or registered under another Washington state law and performing services within his or her authorized scope of practice;
3. A person performing massage or reflexology at the athletic department of:
  - a. An institution maintained by the public funds of Washington State or any of its political subdivisions;
  - b. A primary or secondary school or higher education institution;
  - c. A school or college approved by the Department by rule using recognized national professional standards; or
  - d. A nonprofit organization licensed under RCW 66.24.400 and 66.24.450;

4. A student enrolled in an approved massage school, program, or apprenticeship program, practicing massage techniques, incidental to the massage school or program under its supervision;
5. A student enrolled in an approved reflexology school, program, or apprenticeship program, practicing reflexology techniques, incidental to the reflexologist school or program under its supervision;
6. A person who completed an approved somatic education training program; or
7. A person who is not performing massage or reflexology for compensation.

**6.37.120 Limitations.**

The exemptions listed under Section 6.37.110 do not apply to:

1. A person representing himself or herself as a massage therapist who advertises the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication;
2. A person representing himself or herself as a reflexologist who advertise the practice of reflexology using the term reflexology or any other term that implies a reflexology technique or method in any public or private publication or communication;
3. A business advertising the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication;
4. A business advertising the practice of reflexology using the term reflexology or any other term that implies a reflexology technique or method in any public or private publication or communication;
5. A person offering massage services at or on behalf of a business advertising the practice of massage therapy using the term massage or any other term that implies a massage technique or method in any public or private publication or communication;
6. A person offering reflexology services at or on behalf of a business advertising the practice of reflexology using the term reflexology or any other term that implies a reflexology technique or method in any public or private publication or communication;
7. A business, club, or cooperative offering massage or reflexology services, irrespective of its organization, operation, or compensation structure; or
8. A business, club, or cooperative offering reflexology services, irrespective of its organization, operation, or compensation structure.



**6.37.130 Underage Practice.**

1. A massage business owner, director, manager, or person in charge is required to ensure that each person practicing massage therapy or representing himself or herself as a massage therapist is 18 years of age or older.
2. A reflexology business owner, director, manager, or person in charge is required to ensure that each person practicing reflexology or representing himself or herself as a reflexologist is 18 years of age or older.
3. It is unlawful for a massage business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the underage practice of massage therapy within his or her massage business.
4. It is unlawful for a reflexology business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the underage practice of massage therapy or reflexology within his or her reflexology business.
5. For the purposes of this Section, a massage or reflexology business owner, director, manager, or person in charge's failure to confirm a person's age through a government-issued photo identification and massage therapist license or reflexology certification's status through the Department constitutes criminal negligence.
6. It is unlawful for a person to receive massage or reflexology services from another whom the recipient knows, or reasonably should know, is underage.
7. It is an affirmative defense to Subsection 6 that the recipient asked about the person's age and received a purported massage therapist license or reflexology certification.

**6.37.140 Unlicensed or Uncertified Practice.**

1. A massage business owner, director, manager, or person in charge is required to ensure that each person practicing massage therapy or representing himself or herself as a massage therapist is licensed as a massage therapist by the Department.
2. A reflexology business owner, director, manager, or person in charge is required to ensure that each person practicing reflexology or representing himself or herself as a reflexologist is licensed as a massage therapist or certified as a reflexologist by the Department.
3. It is unlawful for a massage business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the unlicensed practice of massage therapy within his or her massage business.
4. It is unlawful for a reflexology business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the

unlicensed practice of massage therapy or uncertified practice of reflexology within his or her massage or reflexology business.

5. For the purposes of this Section, a massage or reflexology business owner, director, manager, or person in charge's failure to confirm a massage therapist license or reflexology certification's status through the Department constitutes criminal negligence.
6. It is unlawful for a person to receive massage or reflexology services from another whom the recipient knows, or reasonably should know, is unlicensed or uncertified.
7. It is an affirmative defense to Subsection 6 that the recipient asked about the person's license or certification status and received a purported massage therapist license or reflexology certification.

**6.37.150 Display of Licenses and Certifications.**

1. A massage business is required to conspicuously display its massage business license and copies of each massage therapist license at or near the massage business' entrance so they can easily be read while the business is open.
2. A reflexology business is required to conspicuously display its reflexology business license and copies of each massage therapist license and reflexology certification at or near the reflexology business' entrance so they can easily be read while the business is open.
3. It is unlawful for a massage business owner, director, manager, or person in charge to fail to conspicuously display its massage business license and copies of each massage therapist license at or near the massage business' entrance. It is also unlawful for a massage business to display an unissued, altered, expired, fraudulent, suspended, or revoked business license or massage therapist license. Furthermore, it is unlawful for a massage business to display a massage therapist license if that therapist does not conduct business at that location.
4. It is unlawful for a reflexology business owner, director, manager, or person in charge to fail to conspicuously display its reflexology business license and copies of each massage therapist license and reflexology certification at or near the reflexology business' entrance. It is also unlawful for a reflexology business to display an unissued, altered, expired, fraudulent, suspended, or revoked business license, massage therapist license, or reflexology certification. Furthermore, it is unlawful for a reflexology business to display a massage therapist license or reflexology certification if that therapist or reflexologist does not conduct business at that location.
5. Each massage therapist is required to conspicuously display his or her massage therapist license in his or her principal place of business. If the massage therapist does not have a principal place of business or conducts business in several

locations, he or she is required to have a copy on his or her person or available for inspection by the Department, District, and Kennewick Police Department. Each massage therapist is also required to have a government-issued photo identification on his or her person or available for inspection.

6. Each reflexologist is required to conspicuously display his or her massage therapist license or reflexology certification in his or her principal place of business. If the reflexologist does not have a principal place of business or conducts business in several locations, he or she is required to have a copy on his or her person or available for inspection by the Department, District, and Kennewick Police Department. Each reflexologist is also required to have a government-issued photo identification on his or her person or available for inspection.

#### **6.37.160 Advertising.**

1. It is unlawful for an unlicensed person to advertise the practice of massage using the term massage or another term that implies a massage technique or method in a public or private publication or communication. It is also unlawful for an unlicensed person to use the title “licensed massage therapist,” the abbreviation “L.M.T.,” or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage therapist.
2. A massage therapist’s name and massage therapist license number is required to conspicuously appear on all of his or her advertisements.
3. A massage business’ name and business license number is required to conspicuously appear on all of its advertisements.
4. It is unlawful for an unlicensed or uncertified person to advertise the practice of reflexology using the term reflexology or another term that implies a reflexology technique or method in a public or private publication or communication. It is also unlawful for a reflexologist to use a title or description that incorporates one or more of the following terms or designations: Massage, masseuse, massager, massagist, masseur, myotherapist or myotherapy, touch therapist, body therapy or therapist, or any derivation of those terms that implies a massage technique or therapy unless the reflexologist is also a massage therapist.
5. A reflexologist’s name and reflexology certification number is required to conspicuously appear on all of his or her advertisements.
6. A reflexology business’ name and business license number is required to conspicuously appear on all of its advertisements.

#### **6.37.170 Facilities, Equipment, Lighting, and Draping.**

1. A massage therapist using hydrotherapies including, but not limited to, cabinet, vapor or steam baths, whirlpool, hot tub, or tub baths is required to have adequate shower facilities available.

2. A massage business is required to clean cabinets, showers, tubs, basins, massage or steam tables, hydrotherapy equipment, and other fixed equipment using a bactericidal agent.
3. A massage business is required to sterilize or disinfect combs, brushes, shower caps, mechanical, massage and hydrotherapy instruments, or bathing devices contacting the body. If a business uses devices, equipment, or parts thereof on a person, it is required to sterilize or disinfect them before using them on another person.
4. A massage or reflexology business is required to use impervious material to cover, full length and width, massage tables or pads, pillows, bolsters, and face cradles directly under clean sheets and linens or disposable sheets.
5. A massage therapist or reflexologist is required to provide single-service materials or clean sheets, towels, gowns, pillow cases, and other linens.
6. A massage or reflexology business is required to store linens in a sanitary manner.
7. A massage or reflexology business is required to wash linens used on a person before they are used on another person.
8. A massage or reflexology business is required to immediately place soiled linens in a covered receptacle.
9. A massage therapist or reflexologist is required to provide a client or patient with soap and clean towels.
10. A massage or reflexology business is required to clean and maintain equipment in good repair.
11. A massage or reflexology business is required to maintain adequate lighting in its common area and each room where massage or reflexology services are provided during business hours as provided in WAC 296-800-21005.
12. A massage therapist or reflexologist is required to provide a client or patient with privacy to dress or undress except as necessary in an emergency or custodial situation and a gown or draping except as necessary in an emergency.
13. A massage therapist or reflexologist is required to use safe, functional, and hygienic coverage and draping practices during the massage when the client or patient is disrobed as provided in WAC 246-830-500. Drapes must be sufficient to ensure that the genitals, gluteal cleft, anus, rectum, and breasts are not exposed except as provided in WAC 246-830-560(3) – (4).
14. Safe, functional, and hygienic coverage and draping means:
  - a. A massage therapist explains, maintains, and respects coverage and draping boundaries;

- b. Massage or body movement does not expose the genitals, gluteal cleft, anus, rectum, or breasts except as provided in WAC 246-830-560(3) – (4); and
- c. Linens are maintained as provided in WAC 246-830-500.

**6.37.180 Services and Techniques.**

1. It is unlawful for a person practicing massage therapy or representing himself or herself as a massage therapist to touch a client or patient's:
  - a. Gluteal cleft (space distal to the coccyx to the anus) and perineum (tissues between the anus and scrotum or vulva) unless in accordance with WAC 246-830-557;
  - b. Anus or inside the rectum;
  - c. Inside the urethra;
  - d. Penis and scrotum;
  - e. Vulva, including the labia (major or minor), clitoris, bulb of vestibule, vulval vestibule, urinary meatus, and vaginal opening;
  - f. Inside the vagina;
  - g. Breasts unless in accordance with WAC 246-830-555; or
  - h. Inside the mouth unless an intraoral endorsement is issued in accordance with WAC 246-830-490.
2. It is unlawful for a person practicing massage therapy or representing himself or herself as a massage therapist to engage in sexual misconduct as described in WAC 246-16-100.
3. A massage therapist is required to obtain a client or patient's written and verbal consent and use appropriate draping techniques as provided in WAC 246-830-560 before performing a breast massage. If a client or patient is under 18 years of age, a therapist is also required to obtain a parent or legal guardian's written consent.
4. A massage therapist is required to obtain a licensed health care provider's written prescription or referral or client or patient's written and verbal consent before performing a breast massage including the nipples and areolae. If a client or patient is under 18 years of age, a therapist is also required to obtain a parent or legal guardian's written and verbal consent.
5. A massage therapist is required to obtain a client or patient's written and verbal consent and use appropriate draping techniques as provided in WAC 246-830-560 before performing a gluteal cleft and perineum massage. If a client or patient is under 18 years of age, a therapist is also required to obtain a parent or legal guardian's written consent.

6. A massage therapist is required to obtain a client or patient's written and verbal consent and use appropriate draping techniques as provided in WAC 246-830-560 before temporarily moving drapes to perform a gluteal cleft and perineum or breast massage as provided in WAC 246-830-550, 246-830-555, and 246-830-557. A massage therapist is permitted to undrape a client or patient's upper torso during the entire massage with written consent. If a coverage and draping variation occurs, a massage therapist is required to document the rationale in a client or patient's record.

**6.37.190 Recordkeeping.**

1. A massage therapist or reflexologist providing services to a client or patient is required to document the services within 24 hours, including the:
  - a. Client or patient's name and contact information or, if a client or patient is under 18 years of age, parent or legal guardian's name and contact information;
  - b. Client or patient's age;
  - c. Client or patient's health history sufficient to identify cautions or contraindications to safe application of massage therapy;
  - d. Treatment date and duration;
  - e. Techniques used;
  - f. Treated areas;
  - g. Written consent to treat;
  - h. If a breast massage is performed, additional written consent to treat in accordance with WAC 246-830-555 and therapeutic rationale;
  - i. If a breast massage including the nipples and areolae is performed, a licensed health care provider's written prescription or referral in accordance with WAC 246-830-555(3)(a) or additional written consent to treat in accordance with WAC 246-830-555(3)(b);
  - j. If a gluteal cleft and perineum massage is performed, additional written and verbal consent to treat, documenting the client or patient's understanding of the therapeutic rationale, treatment, and treated areas in accordance with WAC 246-830-557(4); and
  - k. If a coverage and draping variation occurs, written consent as required by WAC 246-830-560.
2. If a client or patient is 18 years of age or older, a massage therapist or reflexologist is required to retain, or have access to, the client or patient's records for three years from the last treatment date.

3. If a client or patient is under 18 years of age, a massage therapist or reflexologist is required to retain, or have access to, the client or patient's records for three years after the client or patient turns 18.
4. It is unlawful for a massage or reflexology business owner, director, manager, or person in charge to facilitate or, with knowledge or criminal negligence, permit the destruction of a client or patient's records before the periods listed under Subsections 2 and 3 expire.

**6.37.200 Penalties.**

1. The first violation of this Chapter is a misdemeanor.
2. Each subsequent violation of this Chapter, whether alleged in the same prosecution or subsequent prosecutions, is a gross misdemeanor.
3. If Benton County District Court determines that a violation of this Chapter occurred, the court is required to forfeit all of the violator's Kennewick-issued massage or reflexology business licenses. It is also required to prohibit the violator from applying for, attempting to obtain, or obtaining a massage or reflexology business license from Kennewick as a condition of his or her stipulated order of continuance, deferred prosecution, deferred sentence, suspended sentence, sentence, or probation.

(Ord. 6026 Sec. 1, 2023)

**Section 2.** This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 20<sup>th</sup> day of June, 2023, and signed in authentication of its passage this 20<sup>th</sup> day of June, 2023.

Attest:

---

W.D. MCKAY, Mayor

---

TERRI L. WRIGHT, City Clerk

ORDINANCE NO. 6026 filed and recorded  
in the office of the City Clerk of the City of  
Kennewick, Washington this 21<sup>st</sup> day of  
June, 2023.

Approved as to Form:

\_\_\_\_\_  
LISA BEATON, City Attorney

\_\_\_\_\_  
TERRI L. WRIGHT, City Clerk

DATE OF PUBLICATION \_\_\_\_\_