



Legislation Text

File #: Int 1803-2017, **Version:** *

Int. No. 1803

By Council Members Gentile and Treyger

A Local Law to amend the administrative code of the city of New York, in relation to creating a license for massage therapy businesses

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

SUBCHAPTER 36

MASSAGE THERAPY BUSINESSES

§ 20-570 License. a. License required for massage therapy businesses. It is unlawful for any person to own, control or operate a massage therapy business without having received a license for such business in the manner provided in this subchapter.

b. License application. 1. In order to obtain, or renew thereof, a license to own, control or operate a massage therapy business, a person must submit an application with the commissioner for a license for each location that such person desires to operate a massage therapy business. Such person must use the application form prescribed by the commissioner and must provide such information as the commissioner requires, which shall include but not be limited to, a copy of:

(a) The special permit received from the board of standards and appeals to operate such a business, issued pursuant to section 73-36 of the zoning resolution;

(b) The certificate of occupancy issued by the department of buildings;

(c) Any license or permit issued by the department of health and mental hygiene for any health-related

facilities or services offered in conjunction with massage therapy; and

(d) The New York state professional license, issued pursuant to article 155 of the education law, for each practitioner of massage to be employed at the massage therapy business.

2. Any person who receives a massage therapy business license must operate such business at the location named in the license. Any or all of the practices regulated by article 155 of the education law may be provided under one massage therapy business license so long as each practitioner is licensed pursuant to article 155 of the education law.

c. Fee and license term. 1. The fee for a massage therapy business license is \$350 and \$250 for each renewal thereof.

2. All licenses expire four years from the date of issuance.

3. No license is assignable or transferrable except as authorized by rules promulgated by the commissioner.

d. A massage therapy business must conspicuously post a license certificate issued pursuant to this subchapter in the licensed premises.

§ 20-572 Penalties. a. Any person violating section 20-571 is liable for a civil penalty of not more than \$500 for the first violation and a civil penalty of not less than \$1,500 or more than \$5,000 for each succeeding violation.

b. A licensed massage therapy business found to be employing practitioners not licensed pursuant to article 155 of the education law is liable for a civil penalty of not more than \$1,500 for the first violation and a civil penalty of not less than \$2,500 or more than \$5,000 for each succeeding violation. The department must also notify the state education department for any violation of article 155 of the education law and the board of standards and appeals for any violation of section 73-36 of the zoning resolution.

§ 2. This local law takes effect 120 days after it becomes law; provided, however, that the commissioner of consumer affairs shall take all actions necessary for its implementation, including the promulgation of rules,

before such date.

MMB
LS #11769
12/13/17; 5:35 p.m.