



CITY OF RICHMOND

REPORT TO GENERAL PURPOSES COMMITTEE

TO: General Purposes Committee
FROM: Paul Kendrick
City Solicitor
**RE: AMENDMENTS TO BUSINESS LICENCING AND BUSINESS REGULATIONS
REGARDING MESSAGE BUSINESSES**

To GENERAL PURPOSES - Nov. 20/00
DATE: November 15, 2000
FILE: 8060-20-7186/7188

STAFF RECOMMENDATION

That:

- (a) Bylaw 7186 which amends the Business Licensing Bylaw; and
 - (b) Bylaw 7188 which amends the Business Regulation Bylaw,
- regarding massage businesses, be introduced and given first, second and third readings.

Paul Kendrick
City Solicitor

Att. 1

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
City Clerk	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

STAFF REPORT

ORIGIN

The City adopted bylaw amendments dealing with Body-Rub Studios and other businesses early in 2000, and experience with these bylaw amendments has suggested that some further changes should be made. These changes do not affect the regulatory scheme, with the exception of deleting the requirement for employees of Body Rub Studios to have separate business licences (the requirement for criminal checks remains) but changes are proposed to the definitions to more accurately reflect the nature of the businesses.

The City is currently issuing business licences to individual workers, and this has caused confusion, and results in a situation where one licensed business (the Body-Rub Studio) hires another licensed business (the Body-Rub Studio employee).

FINDINGS OF FACT

The current regulations and licencing requirements are working well and are being enforced.

However, the amendments suggested in this report will licence Registered Massage Therapy Clinics and Therapeutic Touch Clinics in the same manner as other medical practitioners. The amendments will also clarify that the City is licensing businesses and not individuals.

In addition, the employees of these businesses will be required to obtain a criminal records check before commencing work in a Body-Rub Studio, and it will be the responsibility of the operator of the business in question to ensure that the staff have met this requirement.

ANALYSIS

The proposed amendments rename the businesses to more accurately reflect the nature of the business. For example, the current bylaw licensed Massage Therapist (Registered) and the proposal is to now licence a Registered Massage Therapy Clinic. Similarly, Massage Therapist (Unregistered) would now be licensed as Therapeutic Touch Clinics.

Body-Rub Studios are not renamed.

The following chart gives a summary of the regulations if the bylaws are amended as suggested.

Business Licence Classification	Bylaw Definition	Hours Of Operation	Licence Fee
Registered Massage Therapist Clinic	means a building, structure or premises in which clients receive treatments from only persons who are registered by the Association of Physiotherapists and Massage Practitioners Of British Columbia	only open between the hours of 8:00 a.m. to 9:30 p.m.	fee is based on number of employees i.e. up to 5 employees is a licence fee of \$100.
Therapeutic Touch Clinics	means a building, structure or premises in which clients receive therapeutic touch therapy treatments	only open between the hours of 8:00 a.m. to 9:30 p.m.	based on number of employees i.e. up to 5 employees is a licence fee of 100.00
Body Rub Studio	includes any premises or part of such premises where a body-rub is performed, offered or solicited	Sunday to Thursday: 8:00am to midnight Friday and Saturday: 8:00am to 1:00 am	Flat Rate fee of \$3000. plus \$100.00 per body rub employee

FINANCIAL IMPACT

The proposed changes will not result in any significant change in income to the City, but the licence fee for Body-Rub Studios should help to offset the cost of ongoing inspections and enforcement initiatives.

CONCLUSION

The amendments contained in Bylaws 7186 and 7188 will clarify and improve the City's requirements relating to the various types of businesses that provide massage services.


Paul Kendrick
City Solicitor
PK:pk

CITY OF RICHMOND
**BUSINESS REGULATION BYLAW NO. 7148,
AMENDMENT BYLAW NO. 7188**

The Council of the City of Richmond enacts as follows:

1. Business Regulation Bylaw No. 7148 is amended by deleting section 7.3 and by substituting the following:

“7.3 Operator Prohibitions

7.3.1 An **operator** of a **body-painting/body-rub studio** must not:

- (a) employ any person in the premises unless that person is 19 years of age or over;
- (b) permit any person to be in the premises at any time unless that person is 19 years of age or over;
- (c) permit any person engaged in providing a **body-rub** or other service to be in such premises unless such person is wearing clean, washable, non-transparent outer garments, covering his or her body between the neck and the top of the knee, the sleeves of which must reach below the elbows; or
- (d)
 - (i) have been; or
 - (ii) employ any person who has been

convicted of an offense under any of Sections 210, 211, 212 or 213 of the *Criminal Code of Canada* as evidenced by a criminal records check.”

2. Business Regulation Bylaw No. 7148 is amended by deleting PART TWELVE - MASSAGE THERAPIST (REGISTERED) REGULATION; and PART THIRTEEN - MASSAGE THERAPIST (UNREGISTERED) REGULATION, and by substituting the following:

“PART TWELVE: REGISTERED MASSAGE THERAPY CLINIC REGULATION

12.1 Operator Obligations

12.1.1 Every **Registered Massage Therapy Clinic operator** must:

- (a) permit such business to be open only between the hours of 8:00 a.m. and 9:30 p.m. each day; and

- (b) ensure that every person giving treatments to patients in a **Registered Massage Therapy Clinic** is registered and in good standing with the Association of Physiotherapists and Massage Practitioners of British Columbia.”

“PART THIRTEEN: THERAPEUTIC TOUCH CLINIC REGULATION

13.1 Operator Obligations

13.1.1 Every **Therapeutic Touch Clinic operator** must:

- (a) provide the **Licence Inspector** with 24 hours' written notice of any changes in the personnel employed or engaged in such **business**, and the applicable provisions of the **Business Licence Bylaw** apply to any new persons proposed to be employed or engaged by the said **Therapeutic Touch Clinic**;
- (b) permit such business to be open only between the hours of 8:00 a.m. and 9:30 p.m. each day; and
- (c) provide the **Licence Inspector** with the name, age, birthdate, current address and picture identification of every **person** proposed to be employed or engaged in such **business**, together with such additional information which the **Licence Inspector** may require.”

- 3 Business Regulation Bylaw No. 7148 is amended by deleting the definitions of “Massage Therapist (Registered)” and “Massage Therapist (Unregistered)” from section 25.1, and by substituting the following definitions in alphabetical order, in section 25.1:

“REGISTERED MASSAGE THERAPY CLINIC

means a building, structure or premises in which clients receive treatments only from persons who are registered by the Association of Physiotherapists and Massage Practitioners of British Columbia.”

and

“THERAPEUTIC TOUCH CLINICS

means a building, structure or premises in which clients receive **Therapeutic Touch Treatments**”;

- 4. This bylaw is cited as **“Business Regulation Bylaw No. 7148, Amendment Bylaw No. 7188”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

CITY OF RICHMOND
BUSINESS LICENCE BYLAW NO. 6901,
AMENDMENT BYLAW NO. 7186

The Council of the City of Richmond enacts as follows:

1. Business Licence Bylaw No. 6901 is amended:
 - (a) by deleting subsections 2.1.11 (Massage Therapist [Registered]), and 2.1.12 (Massage Therapist [Unregistered]);
 - (b) by deleting:
 - (i) **"Massage Therapists (Registered)** which means a person registered by the Association of Physiotherapist and Massage Practitioners of British Columbia;" and
 - (ii) **"Massage Therapists (Unregistered)** which means a person providing **therapeutic touch therapy** but excludes a person providing a **body-rub** or a similar service;

from section 3.10 (Service Use Category) and by adding the following in the appropriate alphabetical location in section 3.10:

"Registered Massage Therapy Clinic which means a building, structure or premises in which clients receive treatments only from persons who are registered by the Association of Physiotherapists and Massage Practitioners of British Columbia."

and

"Therapeutic Touch Clinics which means a building, structure or premises in which clients receive **Therapeutic Touch Treatments**"; and
 - (c) by deleting the term "THERAPEUTIC TOUCH THERAPY" in section 7.1 and by substituting "THERAPEUTIC TOUCH TREATMENTS".
2. This bylaw is cited as **"Business Licence Bylaw No. 6901, Amendment Bylaw No. 7186"**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK