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The following pages are the Massage Establishment Ordinances for the City of Branson, Missouri. These ordinances **include** all changes proposed and accepted by the Board of Aldermen.

The Taney County Health Department enforces these ordinances at all Massage Establishments inside the city limits of Branson, Missouri. If you have any questions, please feel free to contact one of our inspectors at (417) 334 – 4544.

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## MESSAGE ESTABLISHMENT ORDINANCE

### Sec. 46-3. - Definitions.

*Health official* means the health officer of the city or his duly authorized agent.

*Imminent health hazard* means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness or injury based on the following:

- (1) Number of potential illnesses or injuries;
- (2) Nature, severity, and duration of the anticipated illness or injury;
- (3) Effect on the environment or the surrounding geographical area.

*Massage* means the act or art of treating the body by rubbing, kneading, or the like, to stimulate circulation, increase suppleness, and the like.

*Massage employee* means any and all persons, other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

*Massage establishment* means any establishment having a fixed place of business where any person engages in or carries on or permits to be engaged in or carried on any therapeutic massage activities.

*Massage therapist* means a health care practitioner who provides or offers to provide massage therapy, as provided in RSMo 324.240—324.275, to any person at no cost or for a fee, monetary or otherwise, implying that the massage therapist is trained, experienced and licensed in massage therapy, who holds a current, valid license to practice massage therapy.

*Massage therapy* means a health care profession which involves the treatment of the body's tonus system through the scientific or skillful touching, rubbing, pressing or other movements of the soft tissues of the body with the hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for relaxation, therapeutic, remedial or health maintenance purposes to enhance the mental and physical well-being of the client, but does not include the prescription of medication, spinal or joint manipulation, the diagnosis of illness or disease or any service or procedure for which a license to practice medicine, chiropractic physical therapy or podiatry is required by law, or to those occupations defined in RSMo ch. 329.

*Pre-open inspection fee* means inspections required during plan review process or at the time of change in ownership. These fees are to be charged in addition to all other fees.

Sec. 46-154. - Reserved.

Sec. 46-155. - Enforcement.

The health official may, after a notice and opportunity for hearing, enforce reasonable orders not in conflict with, and to carry out, the intent of this article.

Sec. 46-156. - License and permit required.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a massage establishment, as defined in this Code, without first having obtained a license as a massage therapist from the state board of therapeutic massage, pursuant to RSMo ch. 324, and a massage establishment permit from the health official

Sec. 46-157. - Application for permit.

The application for a massage establishment permit shall set forth the exact nature of the massage to be administered, the proposed place of business and facilities therein and the name and address of each applicant.

Sec. 46-158. - Filing of copy of state license.

Any person, including an applicant for a massage establishment permit, who engages in the practice of massage therapy as defined in this Code shall file a copy of the applicant's state license, issued by the state board of therapeutic massage, with the health official.

Sec. 46-159. - Revocation or suspension of permit.

Any massage establishment permit may be revoked or suspended where it is found that any of the provisions of this article are violated or where the permittee, including a massage therapist, has been convicted of any violation of this article, or where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the city to inspect the premises or the operations therein.

Sec. 46-160. - Required facilities.

(a) No permit to conduct a massage establishment shall be issued unless an inspection by the health official reveals that the establishment has complied with each of the following minimum requirements:

- (1) Construction of rooms used for toilets, tubs, steam baths and showers shall be waterproof with approved waterproof materials.
  - (2) Toilet facilities shall be provided in convenient locations. When five or more massage employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single restroom per sex shall be provided for each 20 or more massage employees or patrons of that sex on the premises at any one time. Urinals may be substituted for toilets after one restroom has been provided.
  - (3) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary towels.
- (b) The health official shall certify that the proposed massage establishment complies with all of the requirements of this section.

#### Sec. 46-161. - Operating requirements.

- (a) Every portion of a massage establishment, including appliances, apparatus, and personnel, shall be kept clean and operated in a sanitary condition, tables and chairs shall be of a material that is smooth, easily cleanable and nonabsorbent and be sanitized after each use, and the massage tables must be cleaned after every use.
- (b) All massage employees shall be clean and wear clean outer garments whose use is restricted to the massage establishment. Provisions for a separate dressing room for each sex must be available on the premises with individual lockers for each massage employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- (c) All massage employees, masseurs, and masseuses must be modestly attired.
- (d) The private parts of patrons must be covered by towels, cloths, or undergarments when in the presence of a massage employee, masseur, or masseuse. Any contact with a patron's genital area is strictly prohibited.
- (e) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in approved sanitary manner. A laundry hamper, with a lid, shall be provided by the operator for the storage of used linen.
- (f) Wet and dry heat rooms, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- (g) All services enumerated in this division must be carried on within a massage establishment duly permitted pursuant to this article, except as exempted in subsection (h) of this section.
- (h) A massage therapist shall not practice massage therapy at a site, location or place which is not duly licensed as a massage therapy business, except in accordance with the regulations of the state board of therapeutic massage.

#### Sec. 46-162. - Daily register.

- (a) Every person who engages in or conducts a massage establishment shall keep a daily register, approved as to form by the health department, of all patrons, with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned.
- (b) The daily register shall at all times during business hours be subject to inspection by health department officials and shall be kept on file for one year.

#### Sec. 46-163. - Inspection.

The health department shall from time to time, and at least twice a year, make an inspection of each massage establishment in the city for the purposes of determining that the provisions of this Code are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Sec. 46-164. - Transfer of permit.

No massage establishment permit shall be transferable except with the written consent of the health department; provided, however, that upon the death or incapacity of the permittee the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of permit.

Sec. 46-165. - Applicability of regulations to existing businesses.

Holders of any outstanding massage establishment permit heretofore issued under any provision of law are required to comply with all provisions of this article.

Sec. 46-166. - Exceptions.

The following classes of persons and establishments are exempted from this article:

- (1) Physicians, osteopaths, physical therapists, chiropractors, or podiatrists licensed or registered to practice in the state while performing such services in the practice of their respective professions.
- (2) Registered nurses and licensed practical nurses who are licensed to practice in the state while performing such services in their usual nursing duties.
- (3) Barbers and cosmetologists duly licensed under the laws of this state in the course of practice of their usual and ordinary licensed vocation and profession, as defined in state law.
- (4) Hospitals, clinics, nursing and convalescent homes and other similar institutions dedicated to medical or nursing practices licensed under the laws of this state where massage and baths may be given.
- (5) Health care facilities licensed by the state, and not specified in this article.

Secs. 46-167—46-188. - Reserved.