

Revised 3/24/89

ORDINANCE NO. 2307

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 5.36 OF THE CHULA VISTA MUNICIPAL CODE BY AMENDING SECTIONS 5.36.030 AND 5.36.070 AND ADDING SECTION 5.36.075 EXEMPTING "HOLISTIC HEALTH PRACTITIONERS" FROM MASSAGE PARLOR REGULATION

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Section 5.36.030 of Chapter 5.36 of the Chula Vista Municipal Code be, and the same is hereby amended by adding Subsections I and J to read as follows:

Sec. 5.36.030 Definitions

Whenever in this article the following words or phrases are used, they shall mean:

(Sections A through H remain unchanged, Sections I and J are added)

I. "Holistic Health Practitioner" shall mean non-medical health care therapists that use a massage speciality and therapeutic approach to caring for clients and who present to the Director of Public Safety proof of satisfactory completion of 1,000 hours of instruction in such specialty or therapeutic approach at a school with a State approved curriculum and proof of membership in a State or nationally chartered organization devoted to the specialty or therapeutic approach. The practice of such health care therapists, in addition to massage therapy, must include nutritional assistance, exercise programs and counseling that is directed toward health care.

J. "Specified Anatomical Areas" shall mean pubic region, human genitals, perineum, anus and the areola and nipple of the female breast.

SECTION II: That Section 5.36.070 of Chapter 5.36 of the Chula Vista Municipal Code be, and the same is hereby amended to read as follows:

Sec. 5.36.070 Exceptions to applicability.

The requirements of Section 5.36.050 et seq. shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: Physicians, surgeons, chiropractors, osteopaths, holistic health practitioner, or any registered or licensed vocational nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice their respective profession in the state, nor shall the requirements of Section 5.36.050 et seq. apply to any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the Business and Profession Code of the state or of any other law of this state. All individuals who use a massage speciality and therapeutic approach in caring for clients while under the "control and direction" of the exempted classes of individuals as listed above, must have a valid massage technician permit and comply with the requirements of this chapter. Practical nurses or other persons without qualifications as massage technicians, or other persons not otherwise licensed by the state to practice pursuant to the Medical Practice Act, whether employed by physicians, surgeons, chiropractors as osteopaths or not, may not give massages or massage procedures.

For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the "control and direction" of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered.

SECTION III: Section 5.36.075 is hereby added to Chapter 5.36 of the Chula Vista Municipal Code to read as follows:

Sec. 5.36.075. Massage Technician - Operating Requirements

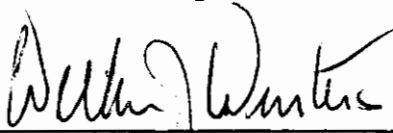
- A. No massage technician, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.
- B. No massage technician shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or

service associated with the operation of a massage business, unless the massage technician is fully covered from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms, with the following exceptions: shorts may be worn so long as they extend down the leg a minimum of three (3) inches from the crotch and the body above that point is fully covered to the base of the neck, excluding the arms. The covering, which includes trousers, pants or shorts, will be of opaque material and will be maintained in a clean and sanitary condition.

C. No massage technician, while performing any task or service associated with the business of massage, shall massage or intentionally touch the specified anatomical areas of another person.

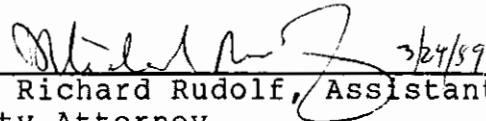
SECTION IV: This ordinance shall take effect and be in full force and effect on the thirtieth day from and after its adoption.

Presented by



William J. Winters, Director
of Public Safety

Approved as to form by



D. Richard Rudolf, Assistant
City Attorney

5064a

JRS:

Definitions.

Whenever in this article the following words or phrases are used they shall mean:

(Sections A through H remain unchanged, section I is added)

"Holistic Health Practitioner" shall mean non-medical health care therapists that use a massage specialty and therapeutic approach in caring for clients and who present to the Director of Public Safety proof of satisfactory completion of one thousand hours of instruction in such specialty or therapeutic approach at a school with a State approved curriculum and proof of membership in a State or nationally chartered organization devoted to the specialty or therapeutic approach. The practice of such health care therapists may include other services such as nutritional assistance or counseling as long as all activities are directed toward health care.

5.36.070 Exceptions to applicability.

The requirements of Section 5.36.050 et seq. shall have no application and no effect upon and shall not be construed as applying to any persons designated as follows: Physicians, surgeons, chiropractors, osteopaths, holistic health practitioner, or any registered or licensed vocational nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice their respective profession in the state, nor shall the requirements of Section 5.36.050 et seq. apply to any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the Business and Profession Code of the state or of any other law of this state. All individuals who use a massage specialty and therapeutic approach in caring for clients while under the "control and direction" of the exempted classes of individuals as listed above, must have a valid massage technician permit and comply with the requirements of this chapter. Practical nurses or other persons without qualifications as massage technicians, or other persons not otherwise licensed by the state to practice pursuant to the Medical Practice Act, whether employed by physicians, surgeons, chiropractors or osteopaths or not, may not give massages or massage procedures.

For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the "control and direction" of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered.

MASSAGE PARLORS:

5.36.030 Definitions

Whenever in this article the following words or phrases are used, they shall mean:

(Sections A through H remain unchanged, Section I is added)

I. "Holistic Health Practitioner" shall mean a non-medical health care therapist that uses a massage specialty and therapeutic approach in caring for clients and who presents to the Director of Public Safety proof of satisfactory completion of one thousand (1000) hours of instruction in such specialty of therapeutic approach at a school with a State approved curriculum which qualifies the student for certification as an HHP and proof of membership in a State or national chartered or organization devoted to the specialty or therapeutic approach. The practice of such health care therapists, in addition to massage therapy, must include nutritional assistance, exercise programs and counseling that is directed toward health care.

J. "Specified Anatomical Areas" shall mean pubic region, human genitals, perineum, anus and the areola and nipple of the female breast.

5.36.070 Exceptions to applicability.

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For the purpose of this section any individual using massage specialty and therapeutic approach in caring for clients is considered under the "control and direction" of an exempt class individual only when a member of that exempt class is physically present on the establishment premises where the massage is being administered.

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, HELD March 28, 19 89, AND FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD April 4, 19 89, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Nader, Cox, Moore

NAYES: Councilmen : Malcolm

ABSTAIN: Councilmen : None

ABSENT: Councilmen : McCandliss

Gregory R. Cox
Mayor of the City of Chula Vista

ATTEST Jennie M. Fulasz
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2307, and that the same has not been amended or repealed.

DATED _____

City Clerk

