

Legislation Details (With Text)

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<b>File created:</b>	4/4/2013	<b>In control:</b>	Committee on Licenses and Inspections		
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	Amending Chapter 9-600 of The Philadelphia Code, entitled "Service and Other Businesses," by providing for the licensing of touch therapy, and by repealing certain provisions relating to massage and massage businesses, all under certain terms and conditions.				
<b>Sponsors:</b>	Councilmember Reynolds Brown, Councilmember Jones, Councilmember Quiñones Sánchez				
<b>Indexes:</b>	TOUCH THERAPY				
<b>Code sections:</b>	9-600 - Service Businesses				
<b>Attachments:</b>	1. Bill No. 13024900.pdf				

Date	Ver.	Action By	Action	Result	Tally
5/15/2013	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
5/15/2013	0	Committee on Licenses and Inspections	RECESSED		
4/4/2013	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Chapter 9-600 of The Philadelphia Code, entitled “Service and Other Businesses,” by providing for the licensing of touch therapy, and by repealing certain provisions relating to massage and massage businesses, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Sections 9-610 and 9-611 of The Philadelphia Code are repealed in their entirety.

SECTION 2. Chapter 9-600 of The Philadelphia Code is amended to read as follows:

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES

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§ 9-610. *Touch Therapy.*

(1) *Definitions.* In this Section, the terms set forth below shall be defined as follows:

(a) *Touch Therapy.* Any practice involving physical contact or extremely close proximity between a practitioner and a client, or the application of any device or object by a practitioner to a client, where the practice is claimed by the practitioner to enhance health or well-being, to alleviate pain, or to bring physical or psychological comfort, and is performed for consideration. The term includes, but is not limited to:

(i) The use of touch, words and directed movement to deepen awareness of existing patterns of movement in the body and to suggest new possibilities of movement.

(ii) *The use of touch to affect the energy systems, acupoints, Qi meridians or channels of energy of the human body, including acupuncture, Asian bodywork therapy, polarity therapy bodywork, quigon, reiki, shiatsu and tui na.*

(2) *Exemptions. This Section shall not apply to any of the following:*

(a) *Any activity for which the practitioner is required to hold a license under the Massage Therapy Law, Act of October 9, 2008, P.L. 1438, No. 118 (63 P.S. §§ 627.1 et seq.).*

(b) *The practice of a profession by an individual who is licensed, certified or registered by a City or Commonwealth agency under other law and who is performing services within the scope of practice authorized under such law.*

(3) *Licensure. No person shall perform Touch Therapy without a valid, current Touch Therapy license issued by the Department of Licenses and Inspections.*

(a) *Application. Application for a Touch Therapy license or renewal of a Touch Therapy license shall be made to the Department on such form, and with such information and documentation as the Department may require, including, but not limited to, all of the following:*

(i) *A record of all criminal convictions of the applicant, including pleas or nolo contendere, excluding minor traffic infractions, and the date and place of each such conviction, and the sentence therefor.*

(ii) *A statement detailing all instances in which the applicant had any professional or occupational license denied, suspended, or revoked; and all instances in which the applicant was disciplined or reprimanded for misconduct in connection with the applicant's professional or occupational licensure.*

(iii) *All locations at which the applicant will perform Touch Therapy.*

(b) *Fee. An annual licensing fee of \$100, or such other amount as the Department may specify by regulation, shall be due at the time of application.*

(c) *License issuance. The Department shall issue a license to an applicant upon submission of a complete application and payment of the applicable fee, except where any of the following apply:*

(.1) *The applicant has been convicted of a crime of moral turpitude in any jurisdiction.*

(.2) *The Department has probable cause to believe that the applicant has committed any crime in connection with the provision of Touch Therapy.*

(d) *Display. Licensees shall conspicuously display their license certificate, or a true and correct copy thereof, at all locations where they provide Touch Therapy.*

(e) *Changes. Licensees shall immediately notify the Department in writing of any change to the information provided in the license application within 15 days of such change, including any change in the location at which the licensee performs Touch Therapy.*

*(f) Expiration. Licenses shall expire one year from the date of issuance, provided that the Department may, by regulation, specify an annual date on which all Touch Therapy licenses expire, and may further specify a formula for prorating the licensing fee.*

*(4) Enforcement and Penalties.*

*(a) Failure to report any information required under subsection (3)(e) within the time there specified shall be punishable by a fine of \$300.*

*(b) Engaging in Touch Therapy without a valid, current license shall be a Class III offense.*

*(5) Appeals. An applicant or licensee under this Section may appeal the denial or revocation of a license to the Board of Licenses and Inspections Review pursuant to § 9-103(2) and (3), and Board procedures.*

§ 9-611. RESERVED.

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**Explanation:**

*Italics indicate new matter added.*