

Massage Establishment License Application

501 E. Old 56 HWY
Olathe, KS 66061



There is a two-step process to receive a Massage Establishment License:

1. Please create an account or login on OlatheKS.org
2. After completing the online application, please call (913) 971-7821 to schedule an in-person appointment with Detective Shannon Brandau with the Olathe Police Department and bring a completed copy of this application and other relevant documentation with you. **PLEASE PRINT**

NOTE: Any failure to truthfully answer any question or fully disclose any information required herein may result in denial of this application. If you have any questions or are unclear about this application or the required information, review [Olathe Municipal Code](#) (a copy of which is provided to you with this Application) and clarify with City staff prior to submitting this application. It is your responsibility to read and understand all of the regulations which apply to massage therapy. Incomplete application packets will NOT be accepted.

New **Renewal**

SECTION 1: ESTABLISHMENT INFORMATION

Address of location to be licensed: _____ Olathe, KS 660____

Legal name of business (include DBA if applicable): _____

Business Phone (_____) _____

KS Tax ID (all others) _____

List all massage therapy techniques, modalities, and/or services that will be provided at the establishment: _____

SECTION 2: CONTACT INFORMATION

Name of Applicant _____
First Middle Last

OTHER NAMES USED (including maiden name): _____

Current Local Address (NOTE: **Home address cannot be the establishment address.**)

_____ *Home Address City, State Zip*

Home Phone (_____) _____ Cell (_____) _____

Date of Birth _____ Gender: M / F (circle one)

Type of Current State or Federal Issued Identification Card _____

State or Federal Agency Issuing _____ Card Number _____

Social Security Number _____ SSN Verified by: _____

Email Address _____

Height _____ Weight _____ Eye Color _____ Hair Color _____

SECTION 3: PREVIOUS EMPLOYMENT

- **List all employment held within the past three (3) years immediately preceding the date of this application.**
(All columns must be completed. Use additional paper, if necessary.)

Dates	Name of Employer	Employer's Address	Name of Direct Supervisor	Business's Direct Phone #
From: To:				
From: To:				
From: To:				
From: To:				
From: To:				

- Applicant **is** **is not** a massage therapist.

(Note: If applicant is a therapist, a separate therapist application must be completed, submitted, and approved before the applicant is allowed to personally perform massage therapy services.)

SECTION 5: BACKGROUND INFORMATION

- **Have you had a massage therapy license denied, suspended, revoked or voluntarily surrendered in lieu of revocation or suspension by a city or any state or local agency prior to the date of this application, and if so why?**

No **Yes** – complete section below (*Use additional paper, if necessary.*) **See attached**

For each massage therapist license **denied, suspended, revoked or voluntarily surrendered in lieu of revocation or suspension**, please answer the following:

1. Name of City, State, or Local Agency: _____

Date of denial, suspension, revocation, or voluntary surrender in lieu of revocation or suspension of license:

Reason for denial, suspension, revocation, or voluntary surrender of license: _____

2. Name of City, State, or Local Agency: _____

Date of denial, suspension, revocation, or voluntary surrender in lieu of revocation or suspension of license:

Reason for denial, suspension, revocation, or voluntary surrender of license: _____

3. Name of City, State, or Local Agency: _____

Date of denial, suspension, revocation, or voluntary surrender in lieu of revocation or suspension of license:

Reason for denial, suspension, revocation, or voluntary surrender of license: _____

SECTION 5: BACKGROUND INFORMATION (cont.)

1.	Have you ever been charged or convicted of a felony ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Have you ever been charged, convicted, diverted or given a suspended sentence of an offense involving sexual conduct with children ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Have you ever been charged, convicted, diverted or given a suspended sentence on a charge of obscenity ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Have you ever been charged, convicted, diverted or given a suspended sentence on a charge of promoting prostitution as defined by K.S.A. 21-3513 ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Have you ever been charged, convicted, diverted or given a suspended sentence on a charge of solicitation of a lewd or unlawful act ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Have you ever been charged, convicted, diverted or given a suspended sentence on a charge of prostitution or related charge ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Have you ever been charged, convicted, diverted or given a suspended sentence on a charge of pandering or other sexually related offense ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	Have you ever been charged, convicted, diverted or given a suspended sentence for <u>any violation of OMC chapter 5.36, or another City's municipal code or any revocation or suspension of your therapist license within the last ten (10) years?</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	Have you ever been charged, convicted, diverted or given a suspended sentence on a misdemeanor in the last five (5) years for any of the following? a) domestic violence b) a person criminal offense c) a drug violation d) a second or subsequent DUI e) furnishing alcohol to minors?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If you answered yes to any of the above questions, please complete the following:

Date	Charge	Jurisdiction	Sentence/Penalty	Status of Case

Note: Failure to disclose prior charges and/or convictions could lead to an automatic denial of license for one (1) year. If you have a history of charges, every sequential application must have this section filled out.

AUTHORIZATION

I, _____ (*print name*), am an applicant for massage therapy licensure with the City of Olathe, Kansas (“the City”). I have authorized the City to investigate my background to determine my suitability for licensure. Each organization identified above is authorized to release the following information related to my employment: date of hire, date of termination and position held, in writing or verbally, as requested by an employee, agent, or representative of the City. This authorization supersedes any prior request or authorization to the contrary. A PDF, photocopy or facsimile of this authorization will be as effective and valid as the original.

I affirm that the information provided on this application, and any other documentation provided to the City in support of this application, is true and correct to the best of my knowledge and belief.

I acknowledge that if any information provided is determined to be incomplete, false or misleading, that is grounds for the denial, suspension, or revocation of the license.

I authorize the City, its agents, and employees to seek information and investigate:

1. the truth of the statements set forth in this application;
2. the qualifications of the applicant for the license;
3. the documentation submitted in support of this application.

Applicant Signature _____ Date _____
(Do not sign until you are in the presence of a Notary Public.)

- Contact information for the individual assisting with the completion of this application:

_____ () _____
First and Last Name Tel/Cell Number Driver’s License – State & Number

- Once my application has been approved and the license is ready it will be mailed to the establishment

State of _____

County of _____

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public signature _____

My appointment expires: _____

(Seal)

ESTABLISHMENT APPLICATION CHECKLIST

Incomplete application packets will not be accepted.



Required items that make up a complete application include:

- Create an account or login to update information at OlatheKS.org
- Schedule an in-person appointment with Detective Shannon Brandau of the Olathe Police Department (PD) (913) 971-7821
- Fully complete the Massage Establishment License paper application & bring to your in-person appointment with Olathe PD – signed, dated, and notarized
- Bring your current State or Federal Issued Identification Card to your in-person appointment with Olathe PD *(We will accept a change of address receipt from the Driver's License Bureau, a copy of online receipt is acceptable, showing the current address.)*
- AUTHORIZATION form to perform background investigation and employment record release – signed, dated, and notarized
- Fees – All fees are required to be paid online via bank or credit card once you create an account/login at OlatheKS.org and your in-person appointment is scheduled. Cash and checks are no longer accepted.
 - NEW Application Fee – \$300
 - RENEWAL Application Fee – \$150
- Please keep the [Olathe Municipal Code](#) attached for your records.

Chapter 5.36 MESSAGE THERAPY

Sections:

- 5.36.010** **Definitions.**
- 5.36.020** **Massage Therapy Establishment License Required.**
- 5.36.030** **Massage Therapist License Required.**
- 5.36.040** **Limitation on Off-Site Massage Therapy.**
- 5.36.045** **Student Massage Therapy.**
- 5.36.050** **Applications for Massage Therapy Establishment License and Massage Therapist License.**
- 5.36.060** *Application for Massage Therapist License. (Repealed 10/15/19)*
- 5.36.070** **Massage Therapist Education Requirements – Exemption**
- 5.36.075** **Continuing Education Requirements.**
- 5.36.080** **Issuance, Denial, Voidance of Massage Therapy Establishment License or Massage Therapist License.**
- 5.36.090** *Issuance of Massage Therapist License. (Repealed 10/15/19)*
- 5.36.100** **Suspension of Massage Therapy Establishment License or Massage Therapist License.**
- 5.36.105** **Revocation of Massage Therapy Establishment License or Massage Therapist License.**
- 5.36.110** *Suspension of Massage Therapist License. (Repealed 11/3/20)*
- 5.36.115** *Revocation of Massage Therapist License. (Repealed 11/3/20)*
- 5.36.130** **Inspections, Immediate Right of Entry.**
- 5.36.135** **Massage Therapy Establishment Identification Cards.**
- 5.36.136** **Massage Therapist Identification Cards.**
- 5.36.140** **Massage Therapy Establishment Regulations.**
- 5.36.150** **Massage Therapist Regulations.**
- 5.36.190** **Transfer of Licenses, Other Licenses and Fees.**
- 5.36.195** **Change of Location.**
- 5.36.210** **Exceptions.**
- 5.36.220** **Further Regulations.**
- 5.36.240** **Penalty.**
- 5.36.245** **Applicability to Existing Massage Therapy Establishments and Massage Therapists.**
- 5.36.250** **Appeal.**

5.36.010 Definitions.

“Accredited school” means any school or educational institute for massage therapy which is accredited or approved by a state agency which regulates massage therapy. In states which do not accredit or approve schools or educational institutions for massage therapy, this term includes schools or educational institutions accredited by a nationally recognized entity.

“Adult business establishment” has the meaning provided by Chapter [5.50](#).

“Conviction” means being found guilty or entering into a diversion agreement or deferred judgment agreement.

“Criminal charge” means any time a person is required to appear as a defendant in municipal, state, or federal court, based on a law enforcement allegation.

“Employee” means any person, other than a massage therapist, who renders any service for or on behalf of a licensee under this chapter and/or who receives compensation from the licensee or patron.

“Healing arts practitioner” is defined by the provisions of K.S.A. [65-2801](#), et. seq.

“Health official” means any person employed by the City of Olathe and designated by the City Manager to enforce and administrate the provisions of this chapter.

“Massage therapist” means any person who, for any consideration whatsoever, engages in massage therapy.

“Massage therapy” means any method which may include but is not specifically limited to stroking, kneading, tapping, compression, vibration, rocking, friction, pressure, and those techniques based on manipulation or the application of pressure to the muscular structure or soft tissues of the human body, which may also include nonforceful passive or active movement and/or the application of techniques intended to affect the energetic systems of the body. The use of oils, lotions, powders, or other lubricants may also be included. “Massage therapy” does not mean the touching, in any fashion, of a patron’s pubic region, genitals, perineum, anal region, and/or the female breast.

“Massage therapy establishment” means any establishment licensed hereunder where any person, firm, partnership, association, or corporation engages in massage therapy for compensation.

“Off-site massage therapy” means massage therapy that is provided by a massage therapist on the business premises of a massage patron.

“Operator” means any owner, manager, individual, licensee, person, and/or employee principally in charge of a massage therapy establishment at any given time.

“Patron” means any person who utilizes or receives the services of any massage therapist and/or massage therapy establishment subject to the provisions of this chapter and under such circumstances that it is reasonably expected he or she will pay money or give any other consideration therefor.

“Police officer” means any duly authorized law enforcement officer employed by the City of Olathe.

“Table shower” means an activity in which a patron is washed by a massage therapist. (Ord. 20-37 § 1, 2020; Ord. 19-67 § 1, 2019; Ord. 15-60 § 1, 2015.)

5.36.020 Massage Therapy Establishment License Required.

No person, firm, partnership, association or corporation can operate a massage therapy establishment without a valid massage therapy establishment license issued by the City. A licensee must have a separate license for each place of business. A license is valid for a period of twelve (12) months from the date of issuance. (Ord. 15-60 § 2, 2015.)

5.36.030 Massage Therapist License Required.

(A) No person can provide massage therapy in any massage therapy establishment unless he or she has a valid massage therapist’s license issued by the City pursuant to the provisions of this chapter.

(B) No person can provide off-site massage therapy without a valid massage therapist license issued by any jurisdiction which issues such licenses, and the licensing standards are at least as comprehensive as the City’s licensing requirements as set forth in Section [5.36.050](#). (Ord. 15-60 § 3, 2015.)

5.36.040 Limitation on Off-Site Massage Therapy.

The authority granted a licensee issued a massage therapy establishment or massage therapist license allows off-site massage therapy. The patron must be fully clothed. (Ord. 15-60 § 4, 2015.)

5.36.045 Student Massage Therapy.

An individual enrolled and currently attending classes at an accredited school in a course of instruction in the theory, method or practice of massage may provide massage therapy as a practicum component of the training program, provided the following conditions are met:

(A) The massage therapy is under the supervision of a licensed massage therapist. For the purposes of this section, “supervision” means the supervising therapist is observing the student providing massage therapy on a patron.

(B) All advertisements for massage therapy that will be provided by a student must clearly inform the patron that the massage therapy will be provided by a student under the supervision of a licensed massage therapist.

(C) Prior to providing massage therapy, the student massage therapist will require the patron to sign an acknowledgment that he/she has been informed the massage therapy will be provided by a student under the supervision of a licensed massage therapist. These acknowledgment documents will be maintained by the

supervising massage therapist for a period of one (1) year and will be produced at the request of any health official or police officer.

(D) All student massage therapy must occur at an accredited school. Under no circumstances are students permitted to provide in-home massage therapy.

(E) No student massage therapist may receive any consideration whatsoever for providing massage therapy. (Ord. 20-37 § 2, 2020; Ord. 15-60 § 5, 2015.)

5.36.050 Applications for Massage Therapy Establishment License and Massage Therapist License.

(A) An applicant for a massage therapy establishment license or massage therapist license must file an application with the City, pay a nonrefundable fee, and submit to a state and national criminal history check. Such fee will be established by the governing body by resolution.

(B) An applicant for a license must provide the following information:

- (1) Name, telephone number, and address;
- (2) Current local address;
- (3) Social Security number, weight, height, color of hair and eyes of the applicant;
- (4) Current state or federally issued identification which confirms applicant is at least eighteen (18) years old;
- (5) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application;
- (6) All criminal charges for any of the offenses listed in Section [5.36.080\(A\)\(1\)\(a\)](#) or [\(c\)](#) through [\(h\)](#) against the applicant in any city or state, fully disclosing the place and court where the criminal charge occurred, and the disposition of the criminal charge;
- (7) All criminal charges for any of the offenses listed in Section [5.36.080\(A\)\(1\)\(b\)](#) or [\(i\)](#) against the applicant in any city or state within ten (10) years prior to the date of application, fully disclosing the place and court where the criminal charge occurred, and the disposition of the criminal charge;
- (8) All criminal charges for any of the offenses listed in Section [5.36.080\(A\)\(1\)\(j\)](#)* against the applicant in any city or state within five (5) years prior to the date of the application, fully disclosing the place and court where the criminal charge occurred, and the disposition of the criminal charge;
- (9) Whether the applicant:
 - (a) Has an active warrant for arrest or is currently charged with any criminal charge listed in Section [5.36.080\(A\)\(1\)](#);

- (b) Has previously been issued a license by any city or state for an adult business establishment or escort service or has been employed by any such establishment;
 - (c) Has satisfied the education requirements in Section [5.36.070](#) and, if applicable, Section [5.36.075](#).
- (10) The massage therapist and massage therapy establishment license history of the applicant, including, but not limited to:
- (a) Whether the applicant has had such license denied, suspended or revoked, or if such license is currently suspended;
 - (b) If such license was denied, suspended, revoked or voluntarily surrendered, then the reason why the license was denied, revoked, suspended or voluntarily surrendered;
- (11) Authorization for the City to perform a state and national criminal history check and to investigate the truth of the statements in the application.
- (C) An applicant for a massage therapy establishment license must provide the following:
- (1) The proposed place of business and exact nature of the services to be provided;
 - (2) All criminal charges against or related to any massage therapy establishment, which the applicant was operating or employed by, in any city or state within ten (10) years prior to the date of application, fully disclosing the place and court where the criminal charge occurred, and the disposition of the criminal charge;
 - (3) If required by state law to register with the Kansas Secretary of State, a Certificate of Good Standing for the business;
 - (4) A Certificate of Occupancy for the proposed place of business, or proof of applying for same.
- (D) An applicant for a massage therapist license must provide the following:
- (1) Name, address, and telephone number of employing establishment;
 - (2) The position or function the applicant is being hired to provide within the employing establishment.
- (E) Upon submission of a request for renewal on a form provided by the City and a fee, an expiring massage therapist license may be renewed by the City, and an expiring massage therapy establishment license may be renewed by the City if there has been no change in ownership. Such fee will be adopted by the governing body by resolution. All requests for renewal must be received by the City at least thirty (30) days prior to the expiration of the license.
- If the renewal request is not received at least thirty (30) days prior to the expiration, the City may be unable to process the renewal request prior to the expiration of the license.
- (F) No suspended license will be renewed. If a suspended license lapses during a suspension period, a new application for a license may only be filed upon the expiration of the period of suspension. (Ord. 20-37 § 3, 2020; Ord. 19-67 § 2, 2019; Ord. 15-60 § 6, 2015.)

* OMC 5.36.080(A)(1)(j) was repealed by Ord. 20-37.

5.36.060 Application for Massage Therapist License.

Repealed 10/15/19.

5.36.070 Massage Therapist Education Requirements – Exemption.

(A) To qualify for a massage therapist license, an applicant must demonstrate satisfaction of the educational requirements:

(1) Completion of a course of instruction, consisting of not less than five hundred (500) hours in the theory, method or practice of massage, from one (1) or more accredited schools. All practical or modality instruction must be completed as hands-on, in-classroom instruction, while theory instruction can be completed online. Proof of completion must be made by certified transcript(s) signed by the school registrar, either presented with a raised seal or faxed or emailed directly to the City by the school; or

(2) Proof of passage of the Massage and Bodywork Licensing Examination (MBLEX) administered by the Federation of State Massage Therapy Boards or successor organization or the Board Certification exam administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or successor organization; or

(3) Proof of certification by the NCBTMB or successor organization.

(B) To qualify for a massage therapist license, an applicant must provide written documentation of completion of an in-person (not online) certification program in American Heart Association (or successor organization) CPR and in American Red Cross (or successor organization) first aid, and of current certifications.

(C) Individuals licensed with the city as a massage therapist for at least five (5) consecutive years as of the effective date of this chapter may renew the license without satisfying the minimum education requirements set forth above, and continue to renew if there is no lapse in licensure and the individual continues to satisfy all other requirements of this chapter. (Ord. 20-37 § 4, 2020; Ord. 15-60 § 8, 2015.)

5.36.075 Continuing Education Requirements.

Applicants are required to complete a minimum of twelve (12) hours (fifty (50) minutes per hour) of continuing education annually in order to qualify for license renewal. Continuing education credit will be awarded for each hour of training completed in the theory and clinical application of massage, clinical business practices, hygiene, record keeping, professional ethics, and other similar courses. Credits to be used toward this continuing education requirement must be received from an accredited school and can be completed as online coursework. (Ord. 20-37 § 5, 2020.)

5.36.080 Issuance, Denial, Voidance of Massage Therapy Establishment License or Massage Therapist License.

(A) The City will examine the application and, after such examination, will issue a massage therapy establishment license or massage therapist license unless the City finds that:

- (1) The applicant has a conviction based on the charged allegations for:
 - (a) A person felony, as defined by Kansas law;
 - (b) A nonperson felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - (c) An offense involving sexual misconduct with children;
 - (d) Obscenity;
 - (e) Promoting prostitution or equivalent offense;
 - (f) Solicitation of a lewd act;
 - (g) Prostitution, buying sexual relations, or selling sexual relations, or equivalent offense;
 - (h) Any other sex-related offense;
 - (i) Any criminal charge applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application; or
- (2) The applicant:
 - (a) Is not over the age of eighteen (18) years; or
 - (b) Has an active warrant for arrest for or is currently charged with any criminal charge listed in subsection [\(A\)\(1\)](#) of this section; or
 - (c) Has previously been issued a license by any city or state for an adult business establishment or escort service or has been employed by any such establishment; or
 - (d) Has made any false, misleading, or fraudulent statement of fact in or in support of the application for a massage therapy establishment license or massage therapist license in any city or state; or
 - (e) Has voluntarily surrendered a massage establishment license or massage therapist license in lieu of revocation, or had such license revoked or such license is currently suspended by any city or state; or
 - (f) Has not satisfied the educational requirements of this chapter; or

(g) The applicant has previously been denied a massage therapist or massage therapy establishment license by the City within the prior twelve (12) months based on making a false, misleading, or fraudulent statement of fact in or in support of the application; or

(3) The fee has not been paid to the City; or

(4) The proposed massage therapy establishment would not comply with all applicable laws, including, but not limited to, the City's building, zoning, and health regulations; or

(5) For a massage therapy establishment license, there are facts which reasonably indicate that the establishment's operations would be influenced by an individual with a relationship with the applicant and such individual has previously been denied a massage therapy establishment license or massage therapist license in any city or state or had such license revoked, suspended, or nonrenewed or would be ineligible for a license under this chapter.

(B) Any license issued under the provisions of this chapter must be displayed at all times by the licensee in an open and conspicuous place in the massage therapy establishment.

(C) Renewal applications are subject to the same criteria as an original application except as provided otherwise in Sections [5.36.050\(E\)](#) and [5.36.050\(F\)](#).

(D) If the application is denied, the applicant will be notified by United States first class mail, postage prepaid, mailed to the applicant's mailing address as identified in the application.

Upon denial, based upon any false, misleading, or fraudulent statement of fact in or in support of a massage establishment license or massage therapist license application related to subsection (A)(1)(j)* of this section, the applicant shall be ineligible to reapply for any license under this chapter for a period of one (1) year from the date of denial. A denied applicant can submit a written request for a waiver of the ineligibility to the Chief of Police, who may grant such waiver upon a showing of good cause.

(E) If a license is issued and it is determined that the license should not have been issued because of noncompliance with this section, then the City will void the license and notify the applicant by United States first class mail, postage prepaid, mailed to the applicant's mailing address as identified in the application.

(F) Any applicant aggrieved by a denial of an application or a denial of a request for a waiver of ineligibility may seek judicial review of the decision pursuant to Kansas law. (Ord. 20-37 § 6, 2020; Ord. 19-67 § 3, 2019; Ord. 15-60 § 9, 2015.)

* OMC 5.36.080(A)(1)(j) was repealed by Ord. 20-37.

5.36.090 Issuance of Massage Therapist License.

Repealed 10/15/19.

5.36.100 Suspension of Massage Therapy Establishment License or Massage Therapist License.

(A) Any license issued by the City Clerk for a massage therapy establishment or massage therapist may be suspended by the City Clerk or designated representative after a public hearing before the City Clerk or designated representative where it is found that:

- (1) Any of the provisions of this chapter have been violated; or
- (2) The licensee or operator has been charged with a criminal offense found in Section [5.36.080\(A\)\(1\)](#); or
- (3) The licensee or operator refused to permit any police officer or health official to inspect the premises during any hours when the establishment was open to the public.

(B) The City Clerk or designated representative, before suspending a license, will give the licensee at least ten (10) days' written notice of the alleged license violations and the opportunity for a public hearing before the City Clerk or designated representative, at which time the licensee may present evidence. The decision of the City Clerk or designated representative is final, unless the licensee files an appeal in accordance with Section [5.36.250](#).

(C) A suspension based on a charged criminal offense is effective until a court of competent jurisdiction rules on the criminal offense, unless the licensee files an appeal in accordance with Section [5.36.250](#). (Ord. 20-37 § 7, 2020; Ord. 15-60 § 11, 2015.)

5.36.105 Revocation of Massage Therapy Establishment License or Massage Therapist License.

(A) Any license issued by the City Clerk for a massage therapy establishment or massage therapist may be revoked by the City Clerk or designated representative after a public hearing before the City Clerk or designated representative where it is found that:

- (1) Any of the provisions of this chapter have been violated; or
- (2) The licensee or operator has a conviction for a criminal offense found in Section [5.36.080](#); or
- (3) The licensee or operator refused to permit any police officer or health official of the City to inspect the premises during any hours when the establishment was open to the public.

(B) The City Clerk or designated representative, before revoking a license, will give the licensee at least ten (10) days' written notice of the alleged license violations and the opportunity for a public hearing before the City Clerk or designated representative, at which time the licensee may present evidence. The decision of the City Clerk or designated representative is final, unless the licensee files an appeal in accordance with Section [5.36.250](#). (Ord. 20-37 § 8, 2020; Ord. 15-60 § 12, 2015.)

5.36.110 Suspension of Massage Therapist License.

Repealed 11/3/20.

5.36.115 Revocation of Massage Therapist License.

Repealed 11/3/20.

5.36.130 Inspections, Immediate Right of Entry.

(A) Any health official and/or police officer may from time to time make an inspection of each licensed massage therapy establishment in this City for the purposes of determining compliance with the provisions of this Chapter. Such inspections will be during any hours when the establishment is open to the public.

(B) It is unlawful for any licensee, operator, or massage therapist to deny any health official or police officer immediate access to the premises or to hinder an inspection in any manner.

(C) Any failure on the part of any licensee, operator, or massage therapist to grant immediate access to any health official or police officer is grounds for the suspension or revocation of any massage therapy establishment license and/or massage therapist license.

(D) The suspension and/or revocation procedure provided for in Sections [5.36.100](#), [5.36.105](#), 5.36.110, and/or in 5.36.115 may be initiated if an inspection reveals a violation of any provision of this Chapter.* (Ord. 15-60 § 16, 2015.)

* OMC 5.36.110 and 5.36.115 were repealed by Ord. 20-37.

5.36.135 Massage Therapy Establishment Identification Cards.

(A) All massage therapy establishment licensees and operators must always when working in an establishment have in their possession a valid identification card issued by the City. A licensee or operator shall produce an identification card for inspection upon request of any City representative or person who by law may inspect the same. A licensee or operator shall not alter, or cause to be altered, an identification card.

(B) Identification cards have the same expiration date as the massage therapy establishment license expiration. One (1) establishment card* and one (1) operator card will be provided as part of the application fee. Additional cards will be charged a separate nonrefundable fee. (Ord. 20-37 § 9, 2020.)

* Typographical error was corrected by the editor by adding the word "card" on November 11, 2020.

5.36.136 Massage Therapist Identification Cards.

(A) All massage therapist licensees must always when working in a massage therapy establishment have in their possession a valid identification card issued by the City. Licensees shall produce their identification cards for inspection upon request of any City representative or person who by law may inspect the same. A licensee shall not alter, or cause to be altered, an identification card.

(B) Identification cards will have the same expiration date as the massage therapist license expiration. One (1) therapist card* will be provided as part of the application fee. Additional cards will be charged a separate nonrefundable fee. (Ord. 20-37 § 10, 2020.)

* Typographical error was corrected by the editor by adding the word "card" on November 11, 2020.

5.36.140 Massage Therapy Establishment Regulations

The operation of any massage therapy establishment will be subject to the following regulations:

(A) The licensee or operator will personally supervise the establishment, and will not violate or permit others to violate any applicable provision of this chapter. The licensee is responsible for ensuring that when the establishment is open for business, the establishment is always personally supervised by an on-site licensee or an operator.

(B) Every licensee will at all times be responsible for the conduct of business on the licensed massage therapy establishment premises and for any act or conduct of an operator, massage therapist or employee which constitutes a violation of the provisions of this chapter. Any violation of the City, state or federal laws committed on the licensed premises by any licensee, operator, massage therapist or employee affecting the eligibility or suitability of the licensee to hold a license constitutes a violation by the licensee and may be grounds for suspension or revocation of same.

(C) The massage therapy establishment will be closed and operations will cease between the hours of 10:00 p.m. and 6:00 a.m.

(D) No alcoholic or certain malt beverages, nor the possession or consumption thereof, will be allowed in or upon the massage therapy establishment premises.

(E) All licensees, operators, massage therapists and employees will wear outer garments while at the establishment. Lingerie, diaphanous, or transparent clothing is prohibited. All licensees, operators, massage therapists and employees must be fully clothed at all times.

(F) The establishment must be kept clean and operated in a sanitary manner.

(G) A patron's pubic region, genitals, perineum, anal region, and/or the female breast must be covered at all times by opaque towels, sheets, cloths or undergarments when in presence of a licensee, operator, massage therapist or employee.

- (H) Any contact by a licensee, operator, massage therapist or employee with a patron's pubic region, genitals, perineum, anal region, and/or the female breast is prohibited.
- (I) Clean, laundered sheets and towels will be provided to patrons for use. Such items will be laundered after each use thereof and stored in a sanitary manner.
- (J) Wet and dry heat rooms, showers and other bathing compartments, and toilet rooms will be thoroughly cleaned each day the massage therapy establishment is in operation. Bathtubs or individual soaking areas will be thoroughly cleaned after each use.
- (K) Table showers are prohibited.
- (L) The licensee or operator of a massage therapy establishment will keep and maintain on the premises a current register of all massage therapists, showing each individual's name, home address, telephone number, license number and a copy of the therapist's license and government-issued identification. Such register will be open to inspection during business hours by any health official or police officer.
- (M) The licensee or operator of a massage therapy establishment will keep a daily register at the massage therapy establishment of all patrons, with names, addresses, telephone numbers, and parental or legal guardian authorization (if applicable). Said daily register will, at all times during business hours, be subject to inspection by any health official or police officer and must be kept on file for one (1) year from the date of each entry.
- (N) No massage therapy establishment operator or employee will place, publish, distribute, or cause to be placed, published or distributed, any advertisement offering or suggesting the availability of any service which is either prohibited or not authorized under this chapter.
- (O) No individual will sleep between the hours of 10:00 p.m. and 6:00 a.m. at, reside at, or inhabit a massage therapy establishment. Prima facie evidence of violating this provision includes but is not limited to the presence of a cot, sleeping bag, air mattress, bed mat, or bed.
- (P) No operator or employee will permit the provision, offer to provide or provide to any patron any service with the intent to arouse or gratify the sexual desires of the operator, massage therapist, employee or patron.
- (Q) For a massage therapy establishment with a front entrance area separate from any private office(s) or massage therapy rooms,
- (1) If the establishment has at least one front entrance door with glass, then the glass in at least one front entrance door must be maintained so as to allow full view into the establishment from outside.
 - (2) If the establishment does not have any front entrance doors with glass, but has at least one window which provides a view into the front entrance area, then the glass in at least one such window must be maintained so as to allow full view into the establishment from outside.
- (R) The massage therapy establishment must post a notice provided by the Olathe Police Department containing contact information to report or seek help for human trafficking. The notice must be in a conspicuous place near the public entrance of the establishment or in another conspicuous place that the public and employees can see. The notice must be eight and one-half inches (8 ½") by eleven inches (11") in size. The form and content of the

notice may not be altered without the authorization of the Olathe Police Department. (Ord. 20-37 § 11, 2020; Ord. 19-67 § 4, 2019; Ord. 15-60 § 17, 2015.)

5.36.150 Massage Therapist Regulations.

Massage therapists are subject to the following regulations when providing services:

- (A) The massage therapist will not violate any applicable provision of this chapter.
- (B) A massage therapist will not provide massage therapy on patrons between the hours of 10:00 p.m. and 6:00 a.m.
- (C) A massage therapist will not consume any alcoholic or cereal malt beverages during business hours or while providing massage therapy, or be under the influence of illegal drugs or alcohol while performing massage therapy.
- (D) Any violation of the City, state or federal laws committed by a therapist affecting his/her eligibility or suitability to hold a license may be grounds for suspension or revocation of same.
- (E) All massage therapists will wear outer garments while providing massage therapy. Lingerie, diaphanous, or transparent clothing is prohibited. The massage therapist must be fully clothed at all times.
- (F) A patron's pubic region, genitals, perineum, anal region, and the female breast must be covered at all times by opaque towels, sheets, cloths or undergarments when in the presence of the massage therapist.
- (G) Any contact by a massage therapist with a patron's pubic region, genitals, perineum, anal region, and/or the female breast is prohibited.
- (H) Table showers are prohibited.
- (I) A massage therapist will not provide or permit any massage therapy to be provided to a patron under the age of eighteen (18) unless the patron is accompanied to the massage therapy establishment by a parent or legal guardian, and the parent or legal guardian authorizes the massage therapy in writing.
- (J) No massage therapist will place, publish, distribute or cause to be placed, published or distributed, any advertisement offering or suggesting the availability of any service which is either prohibited or not authorized under this chapter.
- (K) A massage therapist will notify the City of any change in massage therapy establishment employment within thirty (30) calendar days of the change.
- (L) No massage therapist will permit the provision, offer to provide or provide to any patron any service with the intent to arouse or gratify the sexual desires of the massage therapist or patron.
- (M) A massage therapist will keep a daily register at the massage therapy establishment of all patrons, with names, addresses, telephone numbers, and parental or legal guardian authorizations (if applicable). Said daily

register will at all times during business hours be subject to inspection by any health official or police officer and must be kept on file for one (1) year from the date of each entry. (Ord. 20-37 § 12, 2020; Ord. 19-67 § 5, 2019; Ord. 15-60 § 18, 2015.)

5.36.190 Transfer of Licenses, Other Licenses and Fees.

(A) A massage therapy establishment license is not transferable and such authority as a license confers shall be conferred only on the licensee named therein.

(B) Any applications made, fees paid, and licenses obtained under the provisions of this chapter are in addition to and not in lieu of any other fees or licenses required to be paid or obtained under any other ordinances of this City. (Ord. 15-60 § 22, 2015.)

5.36.195 Change of Location.

If a licensee desires to change the location of the massage therapy establishment, the licensee will file an application with the City Clerk providing the same information relating to the proposed location as in the case of an original application. A fee for change of location will be adopted by the Governing Body by resolution. If the application is in proper form and complies with applicable zoning requirements of the UDO and all other requirements relating to the massage therapy establishment are met, a new license will be issued for the new location for the balance of the year for which a current license is held by the licensee. (Ord. 15-60 § 23, 2015.)

5.36.210 Exceptions.

The provisions of this chapter do not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of this state, or persons working under the direction of any such persons in any such establishment, nor does this chapter apply to barbers or cosmetologists, as prescribed under K.S.A. [65-1901d](#), lawfully carrying out their particular profession or business and holding a valid unrevoked license or certificate of registration issued by this state. (Ord. 15-60 § 25, 2015.)

5.36.220 Further Regulations.

The City Clerk or the health official may make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this chapter. (Ord. 15-60 § 26, 2015.)

5.36.240 Penalty.

Any person convicted of violating any of the provisions of this chapter is guilty of an unclassified public offense and will be fined not more than five hundred dollars (\$500.00) for each offense, and may be imprisoned for a period not to exceed one hundred eighty (180) days for each offense, or may be both fined and imprisoned. A separate offense will be deemed committed on each day during or which a violation occurs or continues. (Ord. 15-60 § 28, 2015.)

5.36.245 Applicability to Existing Massage Therapy Establishments and Massage Therapists.

All existing licensed massage therapy establishments and licensed massage therapists must be in compliance with the amendments to this chapter adopted on November 3, 2020, upon the date of the next license renewal or March 1, 2021, whichever is sooner. (Ord. 20-37 § 13, 2020.)

5.36.250 Appeal.

- (A) If the City Clerk or designated representative denies issuance of a license, or issues an order suspending or revoking a license, the licensee, up to but not more than fifteen (15) days after the order, may appeal such denial or order to the City Manager or designated representative.
- (B) If the City Manager or designated representative issues an order upholding the denial, suspension, or revocation of the license, the licensee, up to but not more than thirty (30) days after the order, may appeal the order to the District Court of Johnson County.
- (C) Any appeal taken under this section will stay the order of suspension or revocation of the license. (Ord. 15-60 § 29, 2015.)

Previous massage therapy codes were codified with the following ordinances. (Ord. 13-40, 2013; Ord. 08-14, 2008; Ord. 05-46, 2005; Ord. 03-37, 2003; Ord. 02-124, 2002; Ord. 02-87, 2002; Ord. 96-75, 1996; Ord. 92-07, 1992; Ord. 531, 1976.)

The Olathe Municipal Code is current through Ordinance 20-46, passed December 15, 2020.

Disclaimer: The City Clerk's Office has the official version of the Olathe Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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