

We the undersigned are requesting for the municipal codes controlling cross gender massage practice in Clark County and the City of Las Vegas to be changed. Below are some of the reasons of how these codes are no longer being effective and may actually be causing the harm of individuals and are community at large.

*These are the codes we are requesting to be changed:*

**Clark County Municipal Code - 7.08.130 Outcall massage**

**Outcall massage is permitted by a massage therapist on a client of the same sex at the client's temporary or permanent residence or at the client's place of business provided proper licensure for an outcall massage business has been obtained. (Ord. 2090 § 11, 1998; Ord. 2064 § 2 (part), 1998)**

**Clark County Municipal Code - 7.08.120 Prohibited acts**

**(b) For a massage therapist to massage a client of the opposite sex**

**City of Las Vegas Municipal Code - 6.52.120 opposite sex massage**

**It is unlawful for any person who is required to be licensed under this Chapter to:**

**(B) Massage a client of the opposite sex**

- First: Nevada now has a state regulating agency for massage therapy. This agency ensures all required investigations involving therapists are done. Which means that all currently licensed therapists are following the code of ethics set by NCTMB and their associated insurance program as well as no illegal activities are being performed.
- Second: To obtain a license for massage an individual first must graduate from an approved school that must also be accredited by a national accrediting agency. ACCET is the majority accrediting agency for schools across the nation. This national agency expects there to be cross gender work in the class room and clinical experience. This ensures that what the student is learning is well rounded and complete. However, when the individual graduates from an accredited school where cross gender is performed, it is not allowed to perform cross gender in their business. Now what was learned to obtain the license in the first place is not allowed.
- Third: Nevada is one of 38 other states that have a regulating agency for massage and Nevada's requirements for Continuing Education Units is one of the strictest. These classes which are required to maintain a license to practice is also taught cross gender. Once the course is complete though the work completed and information learned while in class to keep the license is not allowed.
- Fourth: Massage Therapy is for the benefit of the client to increase overall health and help to prevent injury. The client needs and wants to be and feel safe when having work performed. This ability has been taken away from the client, in the way of no longer having the freedom and power of choice for who is to perform work. Now to obtain the much desired work the client must choose to be with a therapist that may not allow the client to feel as safe otherwise and or a therapist that is not as capable to perform the required work. The client may forgo all of this though and just not receive work due to the confusion that he/she is not allowed to choose the therapist that meets all of their requirements. The consequences of this may be that the client does not receive work or the work is not sufficient and now the client is more prone to illness or having an injury.
- Fifth: These codes were initially written to stop solicitation of prostitution, which is against massage code of ethics. Now though prostitution is same sex too. These codes force a therapist and or client to have their massage to be practiced with someone of the same sex. This allows now for the possibility for an unethical situation to occur for the client and also the therapist. That by definition is sexual discrimination and is highly unethical and is also illegal on a state and national level.
- Sixth: Health and Wellness is massage and bodywork, both are growing and evolving fields both nationally as well as internationally. Las Vegas is a very international place of people and ideas, however to be completely licensed in all areas the yearly cost is over a \$ 1,000.00. Which is a substantial amount and to limit the two largest jurisdictional areas to same sex practice is not conducive for business. The people of the community are looking to be healthier and health aware, however they do not have the freedom to investigate the many health benefits of massage for themselves with someone he/she knows and trusts. This limits their boundaries of personal growth and awareness. Also the therapist(s) are not allowed to promote or grow their business and have a diversified amount of clients to personally grow as a therapist and thus became a better therapist. This ultimately leads to the progress in the field of massage and bodywork being impeded and not allowed to evolve here in the City of Las Vegas and Clark County.

Submitted at City Council

Date 2/6/08 Item CP