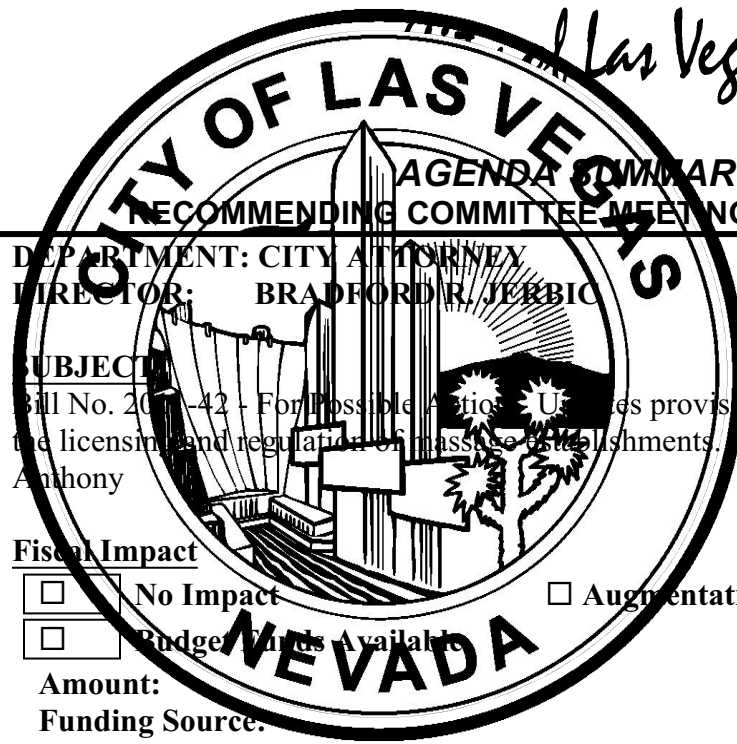




Las Vegas

Agenda Item No.: 4.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 15, 2011

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:
Bill No. 2011-42 - For Possible Action: Updates provisions of the Municipal Code pertaining to the licensing and regulation of massage establishments. Sponsored by: Councilman Stavros S. Anthony

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update provisions of the Municipal Code pertaining to the licensing and regulation of massage establishments. The updates are intended to be consistent with the regulations of local jurisdictions on the subject, as well as with State law.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2011-42
2. Business Impact Statement
3. Submitted at Meeting - Support Letters by Minddie Lloyd and Concern Letter with Attached Documentation by Peter Christoff

Motion made by BOB COFFIN to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, BOB COFFIN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

By way of reading the item, COUNCILMAN BARLOW declared the Public Hearing open.

KAREN DUDDLESTEN, Business Licensing Manager, reviewed the purpose and background of the bill, stated the backup included a business impact statement, and explained several violations prompted the requested amendments. These amendments give local establishments clear guidelines to supplement state law which only regulates the practitioner. Local government is responsible for regulating the overall operation.



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RECOMMENDATION:
NOVEMBER 1, 2017

OF:

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CHIEF DEPUTY CITY ATTORNEY STEED stated that some of the comments received pertained to the posting of rates and fees. An amendment has been made to allow rates to be posted either on the facility or in the room. There has also been an amendment to allow doors to be locked when practitioners are not in the room, but not while a client is present. He then explained the provision for closing to cover any parts has been stipulated by state law.

SERGEANT CARMEN DONEGAN, Las Vegas Metropolitan Police Department Special Investigations, voiced her support based on an enforcement standpoint. She confirmed for COUNCILMAN BARLOW there is nothing missing from an enforcement standpoint.

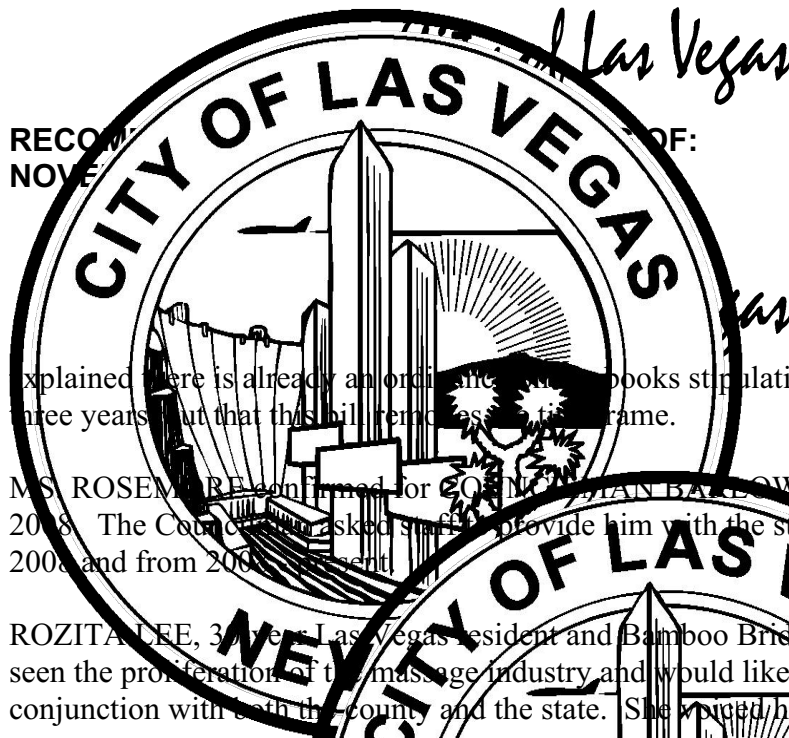
PETER CHRISTOFF, Las Vegas resident, submitted for the record documents pertaining to a state policymaker's failure to provide due diligence with the regulation of massage parlors. The bill will not be effective unless neighboring counties and municipalities enforce similar measures. He questioned how individuals are allowed to practice massage therapy without work cards.

CHIEF DEPUTY CITY ATTORNEY STEED replied that the City does not have specific requirements for practitioners, such as health cards, because they defer to state law. MS. DUDDLESTEN answered the City is precluded from enforcing practitioner requirements, but the proposal today focuses on operational requirements. VICTORIA ROSEMORE, Business Licensing Supervisor, further clarified that the state oversees individual practitioner licensing, but the City took over establishment licensing and requires practitioners to prove they have valid state licenses. The City has no ability to address individual masseuse requirements.

MINDDIE LLOYD, Chair of Bamboo Bridges, voiced her support of regulations that enforce massage and reflexology businesses while holding owners accountable. She read letters of support she submitted for the record.

DR. KATHLEEN BERGQUIST, Bamboo Bridges Board Member, reviewed human trafficking statistics, voiced her support and explained they have been working closely with COUNCILMAN ANTHONY on this bill.

COUNCILMAN BARLOW asked what is being done to adjust the ordinance to hold owners accountable and MS. DUDDLESTEN explained enforcement measures are already part of the code. Typically, one charge results in a meeting with City staff, while chronic situations result in suspension. The Las Vegas Metropolitan Police Department determines when a suspension is necessary. The Councilman questioned if there is a way to make a business owner appear before City Council at the first offense as a means of imposing ramifications for infractions. CHIEF DEPUTY CITY ATTORNEY STEED stated many of the first offenses can be easily resolved and he would hate to make people appear for minor issues. The Councilman questioned if there is an ordinance pertaining to the number of offenses allowed, and MS. DUDDLESTEN



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RECOMMENDED BY: [REDACTED]
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explained there is already an ordinance that books stipulating offenses are kept on record for three years, but that this bill removes that time frame.

MS. ROSEMARY RE confirmed for COUNCILMAN BARLOW the last amendment was made in 2008. The Councilman asked staff to provide him with the statistics on convictions from 2005 - 2008 and from 2008 to present.

ROZITA LEE, 37-year Las Vegas resident and Bamboo Bridges Advisory Board Member, has seen the proliferation of the massage industry and would like to see the City Council work in conjunction with both the county and the state. She voiced her support of the bill.

MICHAEL SMITH, Vice Chairman of the Nevada State Board of Massage Therapists, thanked the City for their work and voiced his support of the bill.

KATHY PILGREEN, Nevada State Board of Massage Therapists Board Member, voiced her support. She responded to MR. CHRISTOPHER that the new curriculum approved schools on the board's website are a direct result of the State's efforts to prevent individuals with falsified diplomas from obtaining state licensure.

GLENN SAVAGE, Director of Environmental Health for the Southern Nevada Health District, voiced his support. He explained the efforts of the massage industry to self-regulate mitigated the need for the Health Department to do the same. This is a step to lead other jurisdictions in the right direction and the additional health requirements, such as a health permit, provides another set of eyes to monitor and regulate the industry.

ANNETTE SCOTT, Director of Program Services for Shade Tree, stated this is a huge step in the right direction and voiced her support.

ED UEHLING, Las Vegas resident, stated legalizing prostitution is the only way to remove human trafficking.

By way of reading the next item, COUNCILMAN BARLOW declared the Public Hearing closed.