



# MESA POLICE DEPARTMENT

CITY CODE UPDATE

TITLE 5, CHAPTER 12

MASSAGE ESTABLISHMENT OPERATIONS

AUGUST 30, 2021

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Lee Rankin – Assistant Chief

Geoff Balon – Police Legal Advisor

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# OVERVIEW

City of Mesa recognizes that massage therapy is a viable profession offering the public valued health and therapeutic services.

City of Mesa also recognizes that criminal organizations engaged in human trafficking and prostitution commonly hide under the guise of offering health and therapeutic massage services.

Updated licensing requirements that are fair and equitable and support the massage therapy industry, while providing the tools needed to address illicit businesses.

The Police Department is proposing changes to Massage Establishment Ordinance.

## Top 3 Identified Sex Trafficking Types

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Escort services

Illicit massage,  
health, and beauty\*

Pornography



\*Situations of trafficking occurring in illicit massage, health, and beauty can involve either forced commercial sex or forced commercial sex and labor services and are therefore represented in both the sex trafficking and sex and labor trafficking sections.

# IDENTIFYING ILLICIT ESTABLISHMENTS IN THE VALLEY

The City of Mesa has over **143** massage establishments

Of those establishments, **63** establishments are marked “active” and “erotic” in Mesa and as of March 2021

Valley Wide Illicit Massage Businesses: Phoenix has **44**, Chandler has **21**, Tempe has **12**, Gilbert has **13** and Scottsdale has **27**.

# CITY OF MESA “ACTIVE” AND “EROTIC” ILLICIT MASSAGE BUSINESSES (IMB) 2021

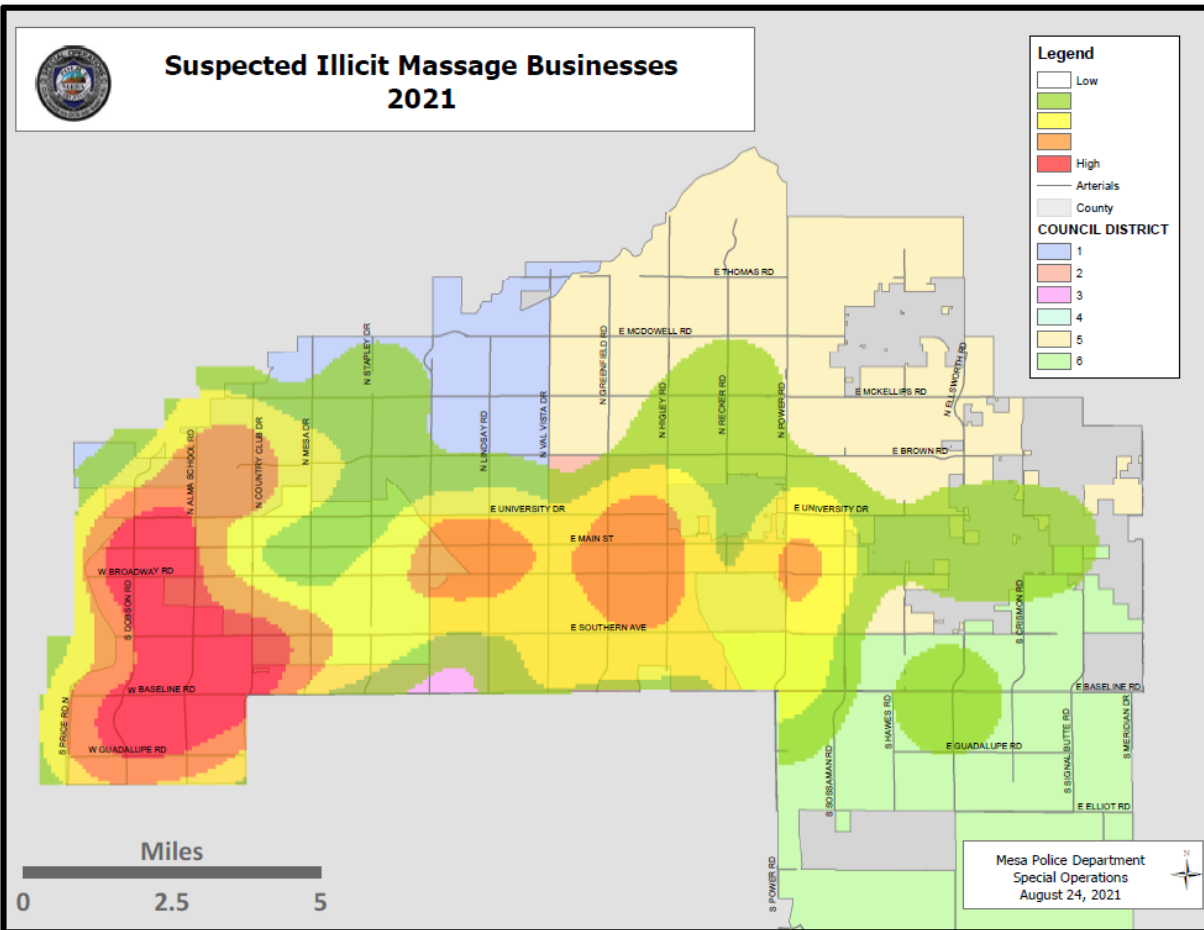
FIESTA DIVISION	23
CENTRAL DIVISION	10
RED MOUNTAIN DIVISION	17
SUPERSTITION DIVISION	13
TOTAL	63

\*DATA CHANGES DAILY





## Suspected Illicit Massage Businesses 2021





## Highlight #1

### Adds Bodywork Establishment License

- State law definition of “massage therapy” excludes massage of the hands, feet and head.
- Title 5, Chapter 12 licensing requirements do not currently include these types of businesses.
- “Bodywork” means using touch to manipulate tissue in the course of treatment or therapy that does not constitute massage therapy as defined by state law. Bodywork may include the affectation of the human energy system or acupoints or QI meridians of the human body.

## Highlight #2

### Adds Manager, Landlord, Owner Responsibility

- Requires that no manager, landlord or property owner of a massage establishment or bodywork establishment occupant knowingly permit or negligently fail to take reasonable actions to prevent criminal activity from occurring.
  - Is a civil violation
- Requires applicant to acknowledge criminal nuisance law A.R.S. 13-2908
- Adds habitual offender penalty making it a class 1 misdemeanor if 3 separate violations within 36 months.



## Highlight #3

### Closes the “Revolving Door”

- Prohibits an applicant from being issued a license if:
  - Within 3 years the license of any massage establishment or bodywork establishment was revoked that was located at the same physical address or within the same business complex; or
  - If within 3 years the applicant or controlling person had a massage establishment or bodywork establishment license revoked; or
  - If within 1 year an applicant or controlling person had a massage establishment or bodywork establishment license denied.

# LETTER OF SUPPORT

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The City of Mesa City Council

Dear Councilmembers,

We are writing on behalf of the American Massage Therapy Association (AMTA), in response to the City of Mesa's final draft ordinance related to massage therapy. We appreciate the opportunity to offer our expertise and input during this process.

AMTA is the largest non-profit, professional association serving massage therapists, massage students and massage schools. Established in 1943 and numbering some 95,000 members, AMTA works to advance the profession through ethics and standards, the promotion of fair and consistent licensing of massage therapists in all states, and public education on massage therapy health benefits. More than 2,000 massage therapists currently practice in Arizona.

AMTA commends efforts that local and state governments take to rid their communities of illicit businesses operating under the guise of "massage," and we strongly oppose any burdensome ordinances and regulations that are at the expense of legally practicing professional, educated and licensed massage therapists.

We are pleased to see the changes made to the City of Mesa's proposed ordinance, and it's inclusion of the legal definitions and terminology related to massage therapy as defined in Arizona Revised Statutes title 32, chapter 42. We commend the removal of language that would have allowed loopholes for unlicensed and untrained individuals to fraudulently practice under the guise of massage therapy in the City of Mesa. The current draft does an effective job of adding provisions to protect the public, as well as upholding the established standards of the massage therapy industry.

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QUESTIONS