

Article 12
Massage Parlors

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NOTE: Rule-making authority cited for the formulation of regulations for Massage Parlors by the Department of Public Health and Social Services, §20185, 10 GCA.

These Rules and Regulations were filed with the Legislative Secretary on August 6, 1984.

§41201. General Provisions. (a) **Purpose.** These regulations shall be liberally construed and applied to promote their underlying purpose of protecting the public health.

(b) **Definitions.**

(1) *Construction Permit* shall mean a permit issued by the Department of Public Health and Social Services giving permission to construct, extend, alter or modify a structure or building to be used as a massage parlor.

(2) *Department* means the Guam Department of Public Health and Social Services.

(3) *Director* means the Director of the Department, or his/her authorized representative.

(4) *Employee* shall mean any person who works in a massage parlor for the purpose of practicing massage.

(5) *Massage* means any method of treatment or therapy of the superficial soft parts of the body by rubbing, stroking, tapping, pressing, shaking, or kneading with the hands, feet, or elbow, and whether or not aided by any mechanical or electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptic oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

(6) *Massage Parlor or Establishment* means premises occupied and used for the purpose of practicing massage, provided that when any massage establishment is situated in any building used for residential or sleeping purposes, the massage establishment premises shall be set apart and shall not be used for any other purpose.

(7) *Owner, Operator, (Manager)* shall mean any person having control of the establishment and/or of the persons working or employed therein.

(8) *Sanitary Permit* shall mean a written non-transferable document issued by the Department giving a designated person, association, or corporation permission to operate a massage parlor.

(c) **Captions.** Section and other captions are part of these regulations.

(d) **Repealer.** These regulations are effective immediately upon their adoption and filing with the legislative secretary of the Guam Legislature. At that time all regulations and parts of regulations that conflict with these regulations are repealed, except that nothing contained in this regulation shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of other sections of Public Law 15-96, or regulations established thereunder.

(e) **Severability.** If any provision or application of any provision of these regulations is held invalid, that invalidity shall not affect the other provisions or applications of these regulations.

(f) **Authority.** Title 10 Guam Code Annotated §20105 and §§21101 and 21102 authorizes the Director to establish rules and regulations to carry out the provisions of 10 GCA Division 2.

§41202. Permits. (a) Sanitary Permit.

(1) No person, association, or corporation shall directly or indirectly in any manner conduct, control, manage, maintain, or operate a massage parlor unless a valid sanitary permit, issued by the Department, to operate such a facility has been obtained and properly posted.

(2) An application for a sanitary permit to operate any new or existing massage parlor shall be made in writing on a form prescribed by the Director, signed

by the applicant or his/her authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the applicable provisions of these regulations.

(3) Before the application for a sanitary permit shall be approved, the Director shall verify that the facility meets the minimum sanitary requirements and standards of these regulations. This shall involve the right of entry, inspection, and investigation.

(4) If upon inspection the Director is satisfied that the massage parlor facility meets the minimum requirements of these regulations or standards as the Director may prescribe, a non-transferable sanitary permit designating the type and location by address or lot number of establishment shall be issued.

(5) If the application or renewal inspection indicates that the facility does not meet the minimum sanitary requirements and standards, the sanitary permit shall be denied or terminated.

(6) All sanitary permits shall be issued for a maximum of not more than 12 months and renewed on June 30 of each year. An application for a new or renewal of sanitary permit shall be filed at least 15 days before a new establishment intends to open, or before a current sanitary permit expires.

(7) Failure to comply with any regulation or standard listed below shall be reason to deny issuance of a sanitary permit. The same shall also be reason or cause to suspend or revoke a current permit:

- (A) Locking of doors. (§41203)
- (B) Employees working who have contagious disease. (§41204)
- (C) Employees working who do not have a valid Health Certificate. (§41205(a)(1) &(2))
- (D) Unapproved or inadequate water supply or plumbing. (§41206(a)(2) & (3) and §41206(e))
- (E) Denying access to inspectors. (§41208(b))
- (F) Receiving a demerit score of more than 40. (§41208(d))
- (G) Repeating a violation assigned 2, 4, or 6 demerit points. (§41208(d))

(8) Any person or establishment denied a sanitary permit, or whose sanitary permit has been revoked may appeal the Director's action. The appeal shall be in accordance with 10 GCA §21109.

(b) **Construction Permit** Any person, association or corporation, before constructing a massage parlor, or before making an addition to or conversion of or major alteration of an existing facility shall first submit plans and specifications of such building or changes to the Department, Division of Environmental Health in accordance with separate regulations established for obtaining a construction permit from the Department.

§41203. Public Access. (a) **Public Access** Any and all massage parlors permitted to operate under these regulations are hereby declared to be public places, and shall not, during business hours, have the doors to any rooms, exits or entrances of said establishments locked or obstructed in any way so as to prevent free ingress or egress of persons, except as otherwise authorized by the Director.

§41204. Disease Control. (a) **Employee Practices, Hygiene.**

(1) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.

(2) Employees' hands and other parts of the body normally used in giving massage shall be thoroughly washed before and after attending each customer.

(3) Employees shall not consume food while on duty or in any areas where patrons are attended to. An employee lounge or dining area shall be provided if foods are consumed on the premises.

(b) **Control of Contagious Disease.**

(1) The sanitary permit holder shall keep, maintain, and operate the establishment under permit in such a manner that the health of customers, the health of persons employed therein and the public health is not endangered in any way.

(2) Notice shall be sent to the Department immediately by the operator of any massage parlor or establishment in which any case of infectious contagious or communicable disease occurs, or is

suspected of occurring, and no person having or suspected of having such disease shall be employed or attended to as a patron.

(3) Operators or employees afflicted with a contagious or infectious disease in a communicable form shall not be allowed to work until the Department receives a written statement from the employee's physician stating that the employee is free of any contagious or infectious disease.

(4) All operators shall submit to the Department a current list of all persons employed in the establishment. This list of employees shall contain the name, the date of birth, the sex and all addresses of said employees and shall indicate any and all names ever used by the employees so listed.

(5) No person shall practice massaging for fee in any place other than at a massage establishment with a valid sanitary permit; except that he/she may practice on sick or infirm persons, who are not afflicted with contagious or infectious disease, in hospitals, or private homes of such persons; or in hotel rooms.

§41205. Health Certificates. (a) General.

(1) No person shall operate, manage, or work in a massage parlor, or establishment, or practice massaging unless the person holds a valid health certificate issued by the Department.

(2) No owner, proprietor, operator, or manager of a massage parlor or establishment shall knowingly allow any person to practice massage in such facility unless that person has a valid health certificate issued by the Department.

(A) No health certificate shall be issued, new or renewal and no current health certificate shall remain valid unless the applicant undergoes and passes a physical examination once every three months. The physical shall include, among other examination requirements, a skin test for tuberculosis, RPR or VDRL blood tests, and a culture test for gonorrhea. The results of the physical exam shall be reported to the Department on a report form provided by the Department. One copy of the physical examination report shall be kept on file by the

permit holder at the massage establishment where the person works.

(B) All information provided on statements made on the physical exam report form shall be true, accurate, and shall provide the information requested. Falsification of any physical exam report by a Health Certificate applicant or holder shall cause the health certificate to be denied or suspended respectively until the correct information is provided.

(4) No health certificate shall be issued, new or renewal, unless the applicant also attends a yearly workshop given by the Department, or in lieu thereof, takes and passes a written examination administered by the Department, Division of Environmental Health.

(5) When a person applies for a new health certificate, or renewal to work in a massage establishment, he/she shall submit two photographic portraits of themselves. Each photograph shall measure at least 1.25 inches on a side, and no more than 1.5 inch on a side.

(g) After meeting the above requirements, a health certificate will be issued in accordance with other regulations established for the issuance of certificates in general.

§41206. Sanitary Controls and Facilities. (a) Water Supply.

(1) Enough potable water at the correct temperature and pressure for the needs of the massage establishment shall be provided.

(2) The water supply of the massage establishment shall be from an approved source.

(3) The water supply plumbing shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between the potable water supply and any non-potable system, nor shall there be any conditions which would allow back flow or back-siphonage at any fixtures or equipment in the potable water supply system. Back flow prevention devices or measures shall be provided where necessary to protect the potable water supply.

(b) Lavatories.

(1) Lavatories shall be provided, and shall be at least the minimum number required by law and shall be conveniently located.

(2) Lavatories shall be accessible to employees at all times.

(3) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules.

(4) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

(5) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposable towels are used, easily cleanable waste containers shall be conveniently located near lavatories.

(6) Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

(7) In all new or extensively remodeled massage establishments, a hand washing lavatory shall be provided in each massage room or cubicle.

(c) Toilet Facilities.

(1) Enough toilet facilities shall be installed according to law, shall be conveniently located, and shall be accessible to employees and patrons at all times. Separate toilet facilities for both sexes shall be provided.

(2) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet room doors shall be kept closed at all times when the establishment is open for business. Where necessary doors shall be fitted with properly louvered ventilators to aid in providing proper ventilation.

(3) Toilet fixtures and rooms shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be

provided at each toilet at all time. Toilet facilities shall not be used for the storage of personal belongings.

(d) **Shower Facilities.** Where shower facilities are provided they shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair.

(e) **Sewage Disposal.** All sewage, including liquid waste of any kind, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to law.

(f) **Garbage and Refuse Disposal.**

(1) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent proof containers that do not leak or absorb liquids.

(2) Containers stored outside the establishment shall be cleanable, shall be provided with tight-fitting covers, and shall be covered when not in actual use.

(3) There shall be a sufficient number of containers to hold all garbage and refuse that accumulates, and garbage and refuse shall be disposed of often enough to prevent odors and the attraction of rodents and insects.

(4) Outside storage containers shall be kept off of the ground on racks which provide at least 18" ground clearance, or on solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.

(g) **Insect and Rodent Control.**

(1) All areas of massage establishments shall be kept free of insect and rodent harborage and feeding areas, and shall provide effective measures to minimize their presence.

(2) All openings to the outside used for ventilation shall be provided with #16 mesh screen. Doors to the outside shall be tight-fitting, self-closing and shall remain closed. All other routes of insect or rodent ingress shall be sealed.

(h) **Linens.**

(1) All towels, washcloths, sheets, pillow cases, and other fabrics which come in contact with the hair and skin of a patron shall be thoroughly cleaned and properly sanitized after each use on or by a patron.

(2) Methods of cleaning and sanitizing all fabrics and linen shall be approved by the Director, and may include the following:

(A) Having the used fabrics and linen cleaned and sanitized at a laundry and dry cleaning establishment with a valid sanitary permit.

(B) Having the used fabrics and linen cleaned and sanitized at a coin operated laundromat by use of automatic washers and dryers. Dryer temperatures shall be at least 180_F.

(C) Having the used fabrics and linen laundered at the massage establishment by the proper use of automatic washers and dryers. Dryer temperatures shall be at least 180_F.

(3) Laundry facilities and services on the premises shall be provided in a separate room away from other operations of the establishment.

(4) Adequate and separate storage facilities shall be provided for the storage of cleaned and soiled fabrics and linen. Storage hampers for soiled fabrics and linen shall be easily cleanable, kept clean, and emptied at regular intervals when used.

(5) The supply of cleaned and sanitized fabrics and linen shall be adequate to prevent the establishment from running out between laundering periods.

(6) Bedding and pillow shall be protected with plastic slip covers or other covers approved by the Department. All such covers shall be kept clean and in good repair.

(i) Dispensing of Powders, Lotions, Creams and Similar Preparations.

(1) Lotions, powders, fluid creams and other similar preparations shall be dispensed from shaker type, squeeze type, pump type, or aerosol type containers.

(2) Semi-solid or solid creams shall be dispensed only with the use of a spatula or spoon which either cleanable or disposal, and is either cleaned or disposed of respectively after each days use. Jars of creams shall be kept covered when not in used.

(j) **Instruments.** All instruments that come in contact with the skin or hair of the customer shall be thoroughly cleaned and sanitized after use on each customer. All sanitizing agents and methods shall be approved by the Director.

(k) **Food.** Food and drink other than coffee or soft drinks, shall not be served to any customer.

(l) **Premises.**

(1) Massage establishments and all parts of the premises and property used in connection with their operations shall be kept clean and free of litter.

(2) Only articles necessary for the operation and maintenances of the massage establishment shall be stored on the premises.

(3) Storage lockers, closets, or rooms shall be provided for the storage of cleaning and maintenance supplies, and they shall be kept clean and orderly.

(m) **Animals.** Live animals, including birds, shall be excluded from all areas of the massage establishment. This exclusion shall not apply to patrol dogs accompanying security guards, nor to guide dogs accompanying their handlers, nor to fish in aquariums for decorative purposes only.

§41207. Construction and Maintenance of Physical Facilities. (a) General.

(1) No person shall operate a massage establishment in connection with any other business or dwelling unless there is a solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.

(2) All floors, walls, ceilings, fixtures and furnishings shall be constructed so as to be easily cleanable, shall be kept clean, and shall be kept in good repair.

(b) **Lighting.** Lighting shall be provided so that at least 20 ft. candles of light shall be available in utility, storage, lavatory, toilet and employee lounge areas. At least 10 ft. candles of light shall be available in all other areas.

(c) **Ventilation.** All rooms shall have sufficient ventilation to keep them free of excessive obnoxious odors, smoke, and moisture. Mechanical ventilation systems shall

be installed and operated where natural ventilation is not adequate. Where medical ventilation is provided, adequate provision shall be made to supply make-up air.

(d) Lockers and Dressing Areas.

(1) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area approved by the Director.

(2) When employer routinely change clothes within the massage establishment, a separate area, approved by the Director, shall be provided.

§41208. Inspections. (a) **Inspection Frequency.** As often as may be deemed necessary for the enforcement of these regulations, and at least once every (3) months, an inspection of the massage establishment shall be made by the Director.

(b) **Access.** An employee or representative of the Department shall, after proper presentation of credentials, have access to any massage establishment at any reasonable time for the purpose of making inspections to determine compliance with these regulations. Denial of access shall be cause for suspension of the sanitary permit until access is freely given by the owner, operator, or manager.

(c) **Report of Inspections.** Whenever an inspection of a massage establishment is made, the findings shall be recorded on a report form authorized by the Director, and shall summarize the requirements of these regulations, the demerit value for each requirement violation, and the corrective action to be taken. One copy of the report shall be given to the owner, manager or operator after it has been read and signed by him/her and the inspecting officer.

(d) **Grading.** Grades of massage establishment shall be as follows:

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| Grade A | An establishment having a demerit ore of not more than 10, |
| Grade B | An establishment having a demerit score of more than 10 but not more than 20, |
| Grade C | An establishment having a demerit score of more than 20 but not more than 40, |

Grade D An establishment having a demerit score of more than 40.

Notwithstanding the grade criteria established above, whenever a second consecutive violation of the same item of 2, 4, or 6 demerit points is discovered, the permit may be suspended or the establishment shall be downgraded to the next lower grade.

§41209. Posting of Documents. (a) General.

(1) The sanitary permit and one copy of the most recent inspection report shall be posted in a conspicuous place designated by the Director, and clearly visible to the public. No person other than the Director shall remove, deface, conceal, or destroy such a permit or report.

(2) The health certificates of all persons currently employed in a massage establishment shall be posted in a conspicuous place designated by the Director.