

**SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE
SANITATION AND SAFETY OF MASSAGE AND REFLEXOLOGY
ESTABLISHMENTS**

WHEREAS, the Southern Nevada Health District (SNHD) is the public health entity for Clark County, Nevada, and pursuant to Nevada Revised Statutes (NRS) Chapter 439, has jurisdiction over all public health matters in Clark County, Nevada; and

WHEREAS, NRS 439.366 authorizes the Southern Nevada District Board of Health (Board), SNHD's governing body, to adopt regulations to prevent and control public health hazards and nuisances and to protect and promote the public health and safety in the geographical area subject to the SNHD's jurisdiction; and

WHEREAS, the Board finds that the sanitation and safety of massage and reflexology establishments and outcall massage or reflexology businesses and the sanitary practice of massage therapy and reflexology does affect the public health, and finds that it is necessary to adopt Southern Nevada Health District Regulations Governing the Sanitation and Safety of Massage and Reflexology Establishments to prevent and control the spread of communicable disease, and to promote and regulate the safety and sanitary condition of those establishments in which massage therapy and reflexology are performed; and

WHEREAS, the Board believes that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

INTENT AND SCOPE

Intent The purpose of these Regulations is to protect the public health, safety, and environment through preventive measures and timely correction of significant public health issues relating to massage and reflexology establishments and outcall massage or reflexology businesses; as well as the practice of massage therapy and reflexology.

Scope These Regulations establish definitions; set minimum standards for the design, construction, operation, and maintenance of massage and reflexology establishments; describe allowed and prohibited conduct of massage therapists and reflexologists; outline record keeping and reporting requirements; provide for enforcement; and include provisions for the issuance, suspension, and revocation of massage establishment Health Permits.

**SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE SANITATION
AND SAFETY OF MASSAGE AND REFLEXOLOGY ESTABLISHMENTS**

TABLE OF CONTENTS

Section 1 DEFINITIONS

- 1.1 “Agency of jurisdiction” defined
- 1.2 “Biocide” defined
- 1.3 “Biofilm” defined
- 1.4 “Biohazard event” defined
- 1.5 “Biohazard Event Response Plan” defined
- 1.6 “Cease and Desist Order” defined
- 1.7 “Chair massage” defined
- 1.8 “Clean” defined
- 1.9 “Colonic irrigation” defined
- 1.10 “Cross contamination” defined
- 1.11 “Disinfect” defined
- 1.12 “Disinfectant” defined
- 1.13 “Disinfection” defined
- 1.14 “Disposable article” defined
- 1.15 “Drape” defined.
- 1.16 “Dwelling” or “dwelling unit” defined
- 1.17 “Employees” defined
- 1.18 “Environmental Protection Agency (EPA)-Registered” defined
- 1.19 “Environmental surface” defined
- 1.20 “External bath” defined
- 1.21 “Foot-Candle” defined
- 1.22 “Furniture” defined
- 1.23 “Garment” defined
- 1.24 “Gray water” defined
- 1.25 “Gross incompetence” defined
- 1.26 “Health Authority” defined
- 1.27 “Hot water” defined
- 1.28 “Imminent hazard” defined
- 1.29 “Infestation” defined
- 1.30 “Licensing authority” defined
- 1.31 “Linens” defined
- 1.32 “Manual” defined
- 1.33 “Massage chair” defined
- 1.34 “Massage establishment” defined
- 1.35 “Massage establishment Closure Order” defined
- 1.36 “Massage establishment Health Permit” defined
- 1.37 “Massage establishment Health Permit revocation” defined
- 1.38 “Massage establishment Health Permit suspension” defined
- 1.39 “Massage lubricants” defined
- 1.40 “Massage table” defined
- 1.41 “Massage therapist” defined
- 1.42 “Massage therapy” defined
- 1.43 “Medical professional” defined
- 1.44 “Nuisance” defined
- 1.45 “Outbreak” defined

- 1.46 “Outcall massage” defined
- 1.47 “Outcall reflexology service” defined
- 1.48 “Pathogenic” defined
- 1.49 “Patron” defined
- 1.50 “Potable water” defined
- 1.51 “Potentially Hazardous Food (PHF/TCS)” defined
- 1.52 “Public area” defined
- 1.53 “Putrescible” defined
- 1.54 “Reflexologist” defined
- 1.55 “Reflexology” defined
- 1.56 “Reflexology establishment” defined
- 1.57 “Remodel” defined
- 1.58 “Responsible person” defined
- 1.59 “Restricted anatomical areas” defined
- 1.60 “Restroom” defined
- 1.61 “Sanitized” defined
- 1.62 “Sauna” defined
- 1.63 “Service animal” defined
- 1.64 “Sewage” defined
- 1.65 “Shower” defined
- 1.66 “Showerhead” defined
- 1.67 “Smoke alarm” defined
- 1.68 “Soft tissue” defined
- 1.69 “Solid waste” defined
- 1.70 “Spa” defined
- 1.71 “Spa pools” defined
- 1.72 “Staff” defined
- 1.73 “Steam room” defined
- 1.74 “Sterilization” defined
- 1.75 “Therapy room” defined
- 1.76 “Therapy whirlpool tub” defined
- 1.77 “Treatment Room” defined
- 1.78 “Tub bath” defined
- 1.79 “Wet areas” defined

Section 2 SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

Section 3 PROHIBITED ACTS, PROHIBITED THERAPIES, AND EXEMPTIONS

- 3.1 Expressly prohibited acts
- 3.2 Prohibited therapeutic treatments
- 3.3 Specifically exempted acts or individuals

Section 4 FACILITIES AND EQUIPMENT

- 4.1 Initial assessment of existing massage or reflexology establishment for compliance with these Regulations
- 4.2 Plans for construction, remodeling
- 4.3 Exemption of existing facilities, equipment from design, construction requirements
- 4.4 Certain areas prohibited from use as quarters for living or sleeping
- 4.5 Floors
- 4.6 Walls, ceilings, and closures

- 4.7 General furniture**
- 4.8 Massage or reflexology tables and chairs**
- 4.9 Lighting and electrical**
- 4.10 Smoke alarms**
- 4.11 Heating and ventilation systems**
- 4.12 Bathrooms, restrooms, and locker rooms**
- 4.13 Water supply**
- 4.14 Plumbing**
- 4.15 Water damage evaluation**
- 4.16 Solid waste disposal**
- 4.17 Sewage disposal**
- 4.18 Outdoor areas**

Section 5 GENERAL SANITATION

- 5.1 Public areas**
- 5.2 Massage tables**
- 5.3 Linens**
- 5.4 Massage establishment-supplied garments**
- 5.5 Massage or reflexology chairs**
- 5.6 Third-party linen provider**
- 5.7 On-site laundry facilities**
- 5.8 Personal hygiene supplies**
- 5.9 Massage lubricants**
- 5.10 Massage instruments or equipment**
- 5.11 Cold and heat therapy packs**
- 5.12 Disposable/single-use articles**
- 5.13 Pets and service animals**

Section 6 MASSAGE THERAPY PROCESS

- 6.1 Massage therapist responsibilities**
- 6.2 Hygiene during massage therapy**
- 6.3 Maintenance and clean up of the massage therapy room**
- 6.4 Record keeping**

Section 7 CONTROL OF VERMIN

- 7.1 General provisions and preventive measures**
- 7.2 Pest control application**
- 7.3 Rodent waste clean-up**
- 7.4 Record keeping**
- 7.5 Required reporting**

Section 8 STAFF REQUIREMENTS

- 8.1 Staff training and other requirements**
- 8.2 Staff hygiene and handwashing**
- 8.3 Staff clothing**
- 8.4 Staff facilities**

Section 9 MESSAGE ESTABLISHMENT HEALTH PERMITS

- 9.1 Massage establishment Health Permit required**
- 9.2 Applications for and issuance of massage establishment Health Permits to operate**
- 9.3 Massage establishment Health Permit issuance**
- 9.4 Massage establishment Health Permit posted**
- 9.5 Massage establishment Health Permit fee schedule**
- 9.6 Penalties**

Section 10 PLAN REVIEW AND SUBMISSION AND APPROVAL DATE

- 10.1 Regulation of new construction and renovation of a massage establishment**
- 10.2 Plans for construction and remodeling**
- 10.3 Health Authority review timeline**
- 10.4 Exemption of existing facilities and equipment from design construction requirements**

Section 11 INSPECTIONS

- 11.1 Inspections and investigations**
- 11.2 Agent of Health Authority identification**
- 11.3 Responsible person must provide immediate access to Health Authority**
- 11.4 Inspection of outcall massage or reflexology service business**
- 11.5 Unlawful to interfere with or intimidate agents of the Health Authority**
- 11.6 Health Authority must provide written report, including corrective actions**
- 11.7 Corrective actions for inspection deficiencies**
- 11.8 Failure to correct a deficiency**
- 11.9 Annual inspection**

Section 12 ENFORCEMENT

- 12.1 Enforcement authority**
- 12.2 Correction of violations**
- 12.3 Repeated non-compliance**
- 12.4 Cease and Desist Orders and Closure Orders**
- 12.5 Reinspection protocol for Cease and Desist Orders and Closure Orders**
- 12.6 Massage establishment Health Permit suspension**
- 12.7 Procedure for request of massage establishment Health Permit reinstatement**
- 12.8 Massage establishment Health Permit revocation**
- 12.9 Administrative Hearing Process**
- 12.10 Health Authority additional legal remedy**

Section 13 OUTCALL MASSAGE SERVICE

- 13.1 Storage and maintenance of outcall massage equipment**
- 13.2 Packing and transport of outcall massage equipment to service site**
- 13.3 Set up for outcall massage service**
- 13.4 Operations during outcall massage service**
- 13.5 Clean up following outcall massage service**
- 13.6 Packing and transport of outcall massage equipment to base business location or storage facility**
- 13.7 Record keeping requirements for outcall massage services**

Section 14 REFLEXOLOGY

- 14.1 Reflexology establishment facilities**
- 14.2 Reflexologist responsibilities**
- 14.3 Reflexologist prohibited acts**
- 14.4 Hygiene and dress during reflexology treatment**
- 14.5 Maintenance and clean up of the reflexology treatment area**
- 14.6 Outcall reflexology treatment services**
- 14.7 Record keeping**

Section 15 MISCELLANEOUS

- 15.1 Severability clause**
- 15.2 Effective date**

APPENDICES

- Appendix A: Matrix of Required Reporting**
- Appendix B: Biohazard Event Response Plan**
- Appendix C: List of Single-Use Items**
- Appendix D: Pesticide Use Report Sample and NRS/NAC 555 for reference**
- Appendix E: CDC Special Pathogens Branch “All about Hantavirus” Prevention**
- Appendix F: Health Authority Contact Information**
- Appendix G: NRS and NAC 441A-Communicable Diseases**
- Appendix H: Laws and Regulations Pertaining to Massage Establishment Plan Review**

Section 1 DEFINITIONS

Summary of abbreviations of terms used in these Regulations

Board	Southern Nevada District Board of Health
EPA	United States Environmental Protection Agency
° F	Degrees Fahrenheit
ISDS	Individual Sewage Disposal System
NAC	Nevada Administrative Code
NRS	Nevada Revised Statutes
NSBMT	Nevada State Board of Massage Therapists
ppm	parts per million
psi	pounds per square inch
SNHD	Southern Nevada Health District

As used in these Regulations, unless the context otherwise requires, the following words and terms defined have the meanings ascribed to them in this document.

- 1.1 **“Agency of jurisdiction”** defined. The **agency of jurisdiction** is the local building department, safety authority, fire marshal, business licensing, police or other federal, state or local health agency, federal regulatory agencies, departments of agriculture, other than the Health Authority, having jurisdiction concerning construction, operation, maintenance, and public safety of a massage or reflexology establishment.
- 1.2 **“Biocide”** defined. A **biocide** is a chemical agent capable of killing living organisms.
- 1.3 **“Biofilm”** defined. **Biofilm** means an assemblage of microbial cells attached to an environmental surface and enclosed in a matrix primarily composed of polysaccharides that is not easily removed by normal rinsing or water flow. Mineral crystals (scale), corrosion particles, clay or silt particles may be present within or on the biofilm matrix.
- 1.4 **“Biohazard event”** defined. A **biohazard event** is an event in which a biological agent, including pathogenic microorganisms and their toxins, causes a condition that may constitute a threat to human health and safety.
- 1.5 **“Biohazard Event Response Plan”** defined. A **Biohazard Event Response Plan** is a written plan developed by the business which contains detailed clean-up procedures by which massage establishment staff can safely disinfect potentially-contaminated environmental surfaces and control potential communicable disease outbreaks among patrons, staff, etc.. The Biohazard Event Response Plan must also include procedures for which biohazard events may be reported to the Health Authority and procedures for documenting response activities in a logbook (See **Appendices A and B**).

- 1.6 “**Cease and Desist Order**” defined. A **Cease and Desist Order** is a written Order issued by the Health Authority which directs the responsible person to immediately stop doing or allowing a specific action to occur at a massage establishment. A **Cease and Desist Order** does not necessarily include a direction to completely cease operating the entire massage establishment. Under certain circumstances, a **Cease and Desist Order** can include a timeframe to achieve compliance with the Order so long as there is not an imminent threat to public health or safety.
- 1.7 “**Chair massage**” defined. A **chair massage** is massage therapy administered by a massage therapist to a fully clothed patron’s neck, shoulders, back, arms, hands, and/or feet utilizing a massage chair. A patron or guest at a public accommodation facility such as a resort hotel receiving a chair massage in the pool area of the public accommodation facility shall be considered fully clothed when wearing appropriate public pool attire.
- 1.8 “**Clean**” defined. **Clean** means free from visible dirt, dust, sludge, foam, slime (including algae and fungi), bodily excretions or secretions, rust, scale, mineral deposits, oil, wax, accumulation of impurities, and/or other foreign material.
- 1.9 “**Colonic irrigation**” defined. **Colonic irrigation** is irrigation or flushing of the colon for cleansing purposes by injecting large amounts of fluid high into the colon. Synonyms include colonic hydrotherapy, high colonic, and purging. This is a prohibited act in a massage or reflexology establishment or by a massage therapist or reflexologist.
- 1.10 “**Cross contamination**” defined. **Cross contamination** is the transfer of pathogenic microorganisms to previously sanitized or sterilized surfaces, equipment, or products.
- 1.11 “**Disinfect**” defined. **Disinfect** means to carry out a process that kills most or significantly reduces pathogenic microorganisms.
- 1.12 “**Disinfectant**” defined. A **disinfectant** is an EPA-registered antimicrobial agent, such as a chemical, or heat that destroys, neutralizes, or inhibits the growth of pathogenic microorganisms. All chemical disinfectants must provide a strength equivalent to at least 50 ppm of free available chlorine at a pH of 7.0 to 7.6 in their normal use concentration.
- 1.13 “**Disinfection**” defined. **Disinfection** is a process that reduces the number of pathogenic microorganisms, but not necessarily bacterial spores, from inanimate objects or skin, to a level which is not harmful to health.
- 1.14 “**Disposable article**” defined. A **disposable article** is an item such as, but not limited to, a cup, plate, utensil, paddle, napkin, clothing, or similar article which is made wholly or in part from a synthetic or other readily destructible material and which is intended to be discarded after a single use (see **Appendix C** for single use items).
- 1.15 “**Drape**” defined. A **drape** is a towel, gown, sheet, blanket, or any other similar item used to cover a patron while massage therapy is being delivered.

- 1.16 “Dwelling” or “dwelling unit”** defined. A **dwelling** or **dwelling unit** is any enclosed space, structure, or part of a structure, including manufactured homes, mobile homes, or factory-built housing that is wholly or partly occupied as, used, or designed or intended for occupancy as a residence for living, sleeping, cooking, and eating by one person who maintains a household or by two or more persons who maintain a common household.
- 1.17 “Employees”** defined. **Employees** are staff working at a massage or reflexology establishment, including independent contractors, who have job duties where they are expressly prohibited from providing massage therapy. This does not include the responsible person, reflexologists, or licensed massage therapists.
- 1.18 “Environmental Protection Agency (EPA)-Registered”** defined. **EPA-Registered** means any chemical or substance, including, sanitizers, sterilizers, biocides, pesticides or other substances, which is registered with the United States EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) prior to its distribution and use by industry and consumers.
- 1.19 “Environmental surface”** defined. An **environmental surface** is the surface of any furniture, equipment, fixtures, walls, floors, ceilings, bathtubs, showers or similar surface which is part of a massage or reflexology establishment or outcall massage business. This also applies to any surfaces within the room where an outcall massage is performed if the surfaces are involved in any way by contact, touch, or splash in the massage-giving process.
- 1.20 “External bath”** defined. **External baths** are defined as, but not limited to, spa pools, showers, tub baths, saunas, and steam baths. Areas where external baths are located shall be considered treatment rooms.
- 1.21 “Foot-candle”** defined. **Foot-candle** is a unit of measure of the intensity of light falling upon a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
- 1.22 “Furniture”** defined. **Furniture** consists of the movable articles in a lobby, massage therapy room, locker room or public area that make the area fit for its intended use. Furniture includes but is not limited to, tables, chairs, sofas, carpets, curtains, pictures, vases, mirrors, televisions and other electrical equipment, and appliances. Bedding, linens, massage tables and chairs, and utensils are not considered furniture.
- 1.23 “Garment”** defined. A **garment** is a gown, robe, or other apparel that is provided to a patron of a massage establishment.
- 1.24 “Gray water”** defined. **Gray water** is waste water, not including black water (raw sewage), from residential, commercial, and industrial sources, such as sink, shower, or bathtub drainage or washing machine discharges.
- 1.25 “Gross incompetence”** defined. **Gross incompetence** means a serious lack of ability or knowledge to perform one’s duty in a sanitary manner or failure to comply with these Regulations. It shall also mean any conduct which endangers public health or safety, including illegal acts.

- 1.26 “Health Authority”** defined. **Health Authority** means the officers and agents of the Board and the SNHD.
- 1.27 “Hot water”** defined. **Hot water** is water that attains and maintains a temperature between 90 and 120 degrees Fahrenheit (° F). Each use of hot water in a massage establishment, such as hand washing, laundry, and cleaning may require a more specific temperature range to be effective and appropriate for that use (e.g., water at a hand sink should range from 100 to 110° F).
- 1.28 “Imminent hazard”** defined. An **imminent hazard** is any condition associated with real property that places a person’s life, health, or property in high risk of peril when such condition is immediate, impending, or on the point of happening or menacing.
- 1.29 “Infestation”** defined. An **infestation** is the existence of any pests, which inhabit or overrun in numbers or quantities large enough to be harmful, threatening, or obnoxious, or otherwise considered a nuisance. **Infestations** may also exist as parasites living on or in the environment of humans, such as bedbugs or lice.
- 1.30 “Licensing authority”** defined. The **licensing authority** is any agency of a county or incorporated city that meets the requirements for which they are authorized to issue the particular license sought by the applicant.
- 1.31 “Linens”** defined. **Linens** include sheets, covers, blankets, pillow cases, drapes, garments, towels, or any other similar item used to cover a massage table, mat, or a patron during massage therapy.
- 1.32 “Manual”** defined. **Manual** means by use of hands or body.
- 1.33 “Massage chair”** defined. **Massage chairs** are chairs for positioning a person who will be receiving a massage, including office-style chairs.
- 1.34 “Massage establishment”** defined. A **massage establishment** is any establishment or premises used for the purpose of performing massage therapy. This also includes massage therapy areas within a hotel, resort hotel, health club, fitness center, or cosmetology establishment.

For the purposes of issuance of a **massage establishment** Health Permit, outcall massage or reflexology businesses and reflexology establishments are encompassed in the definition of **massage establishment**. Unless required for specific portions of these Regulations, the term **massage establishment**, shall be used in an overarching manner to refer to a **massage establishment**, a reflexology establishment, and an outcall massage business.

- 1.35 “Massage establishment Closure Order”** defined. A **massage establishment Closure Order** is a written notification to immediately cease all business operations of a massage or reflexology establishment or outcall massage or reflexology business.
- 1.36 “Massage establishment Health Permit”** defined. A **massage establishment Health Permit** is written approval by the SNHD to operate an establishment or business where massage or reflexology is performed. Approval is given following in-office Plan Review and the successful completion of an initial Plan Review inspection, in accordance with

these Regulations, and is separate from any other licensing requirements that may exist within the State of Nevada, communities, or any of the licensing authorities within the political subdivisions comprising the SNHD.

- 1.37 “Massage establishment Health Permit revocation”** defined. **Massage establishment Health Permit revocation** occurs when the Health Authority permanently revokes approval to operate a massage or reflexology establishment or business based on cause due to the presence of significant health and safety hazards.
- 1.38 “Massage establishment Health Permit suspension”** defined. **Massage establishment Health Permit suspension** occurs when the Health Authority suspends, for an indefinite period of time, approval to operate a massage or reflexology establishment based on cause due to the presence of significant health and safety hazards that are facility wide or are of such severity to cause an imminent hazard to the health and safety of any people present. Suspensions may lead to eventual massage establishment Health Permit revocation.
- 1.39 “Massage lubricants”** defined. **Massage lubricants** are substances used during massage therapy and include, but are not limited to, oils, soaps, alcohol, powders, lotions, shampoos, and salts.
- 1.40 “Massage table”** defined. A **massage table** is a table that is designed to safely accommodate a patron receiving massage therapy. Depending on the therapeutic modality used by the massage therapist, other surfaces, such as a mat, platform, or pad, may be used.
- 1.41 “Massage therapist”** defined. A **massage therapist** is any person who is licensed by the Nevada State Board of Massage Therapists (NSBMT) pursuant to NRS 640C, “Massage Therapists,” to engage in the practice of massage therapy.
- 1.42 “Massage therapy”** defined. **Massage therapy** is the application of a system of pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, without limitation: effleurage; petrissage; tapotement; compressions; vibration; friction; and movements applied manually with or without superficial heat, cold, water, or lubricants for the purpose of maintaining good health and establishing and maintaining good physical condition. The term **massage therapy** does not include diagnosis, adjustment, mobilization or manipulation of any articulations of the body or spine; or reflexology. However, for the purposes of these Regulations, reflexology is included and defined.
- 1.43 “Medical professional”** defined. A **medical professional** is a licensed, certified, or registered provider of health care such as a physician, physician assistant, osteopathic physician, advanced practitioner of nursing, registered nurse, podiatric physician, or a licensed hospital as the employer of any such person.
- 1.44 “Nuisance”** defined. A **nuisance** is anything which is injurious to health or offensive to the senses, so as to interfere with the comfort or endanger the health or safety of the public as defined by NRS 202.450.

- 1.45 “Outbreak”** defined. An **outbreak**, as defined by Nevada Administrative Code (NAC) 441A.130, is the occurrence of cases of a communicable disease in a community, geographic region or particular population at a rate in excess of that which is normally expected in that community, geographic region or particular population.
- 1.46 “Outcall massage”** defined. **Outcall massage** is any massage given or provided to a patron off the premises of a licensed massage establishment by a licensed massage therapist. **Outcall massage** businesses shall be required to hold a **massage establishment Health Permit**, as defined in these Regulations.
- 1.47 “Outcall reflexology service”** defined. **Outcall reflexology service** is reflexology treatment given or provided off the premises of a licensed reflexology establishment by a licensed reflexologist. **Outcall reflexology service** businesses shall be required to hold a **massage establishment Health Permit**, as defined in these Regulations.
- 1.48 “Pathogenic”** defined. **Pathogenic** means the ability to produce disease.
- 1.49 “Patron”** defined. A **patron** is any person other than an employee, responsible person, massage therapist, or reflexologist, either paying or non-paying, that uses the services of a massage or reflexology establishment and/or with whom a massage therapist or reflexologist has an agreement to provide therapy.
- 1.50 “Potable water”** defined. **Potable water** is water that is safe for human consumption.
- 1.51 “Potentially Hazardous Food (PHF)(TCS)”** defined. A **potentially hazardous food** is a natural or synthetic food that needs to be held at 41°F or colder or 135°F or hotter because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic bacteria.
- 1.52 “Public area”** defined. A **public area** is any area open to public view, whether indoors or outdoors to which the public has approved access, excluding individual therapy rooms, locker rooms, bathrooms, or restrooms at a massage or reflexology establishment.
- 1.53 “Putrescible”** defined. **Putrescible** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.
- 1.54 “Reflexologist”** defined. A **reflexologist** is a person who uses special pressure techniques on the reflexes in the human feet, hands, and ears and who has studied the principles of reflexology, anatomy, and physiology generally included in a regular course of study of reflexology.
- 1.55 “Reflexology”** defined. **Reflexology** is a method of using the hands, thumbs, or fingers to apply specific pressure to reflex points located in the hands, feet, or ears. This practice does not involve the removal of any clothes other than shoes and socks. While the performance of reflexology is not considered massage therapy, nor is it governed by the NSBMT, for the purposes of these Regulations, reflexology is included under a massage establishment Health Permit.

- 1.56 “Reflexology establishment”** defined. A **reflexology establishment** is any fixed place of business where any individual, firm, association, partnership, corporation, or combination of individuals, engages in, conducts, carries on, or permits to be engaged in or conducted, for money or any other consideration, any reflexology services, including any businesses that provide reflexology as an accessory service to their principal permitted use.
- 1.57 “Remodel”** defined. A **remodel** involves the proposed repair, construction, alteration or installation of new equipment, modification of existing equipment or fixtures, changes in floor plan layout, extensive changes in surface finishes or lighting, addition of new processes, expansion to new space, or significant changes to use of space or equipment.
- 1.58 “Responsible person”** defined. The **responsible person** is the individual person in charge designated by the massage or reflexology establishment as being responsible for compliance with these Regulations.
- 1.59 “Restricted anatomical areas”** defined. **Restricted anatomical areas** include the human genitals, pubic region, perineum, or anus of any person; or the vulva or breast and areola of any female.
- 1.60 “Restroom”** defined. A **restroom** is a public room that contains one or more toilets and one or more lavatories.
- 1.61 “Sanitized”** defined. **Sanitized** means the treatment of equipment, tools, and surfaces using a process which has been approved by the Health Authority as being effective in destroying pathogenic microorganisms.
- 1.62 “Sauna”** defined. A **sauna** is a bathhouse or room, usually of wood, equipped for applying dry heat and/or water vapor.
- 1.63 “Service animal”** defined. A **service animal** is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- 1.64 “Sewage”** defined. **Sewage** is the water-carried human or animal waste from residences, buildings, industrial establishments, feedlots or other places, together with such ground water infiltration and surface water as may be present. The term includes the mixture of sewage with wastes or industrial wastes and gray water.
- 1.65 “Shower”** defined. A **shower** is where the bather’s body is sprayed with a fine stream of water from a showerhead.
- 1.66 “Showerhead”** defined. A **showerhead** is a perforated nozzle assembly that sprays water on a patron.
- 1.67 “Smoke alarm”** defined. A **smoke alarm** is a warning device that sets off a loud signal when excessive smoke, heat, or other visible or invisible products of combustion are detected. A **smoke alarm** is usually battery-operated, but may also be connected to a structure’s electrical system as a backup power source.

- 1.68** “**Soft tissue**” defined. **Soft tissue** includes skin, adipose, muscle, and myofascial tissues.
- 1.69** “**Solid waste**” defined. **Solid waste** is all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, and solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.
- 1.70** “**Spa**” defined. A **spa** is a facility designed for therapeutic use.
- 1.71** “**Spa pool**” defined. A **spa pool** is any pool of water designed primarily to direct water or air-enriched water under pressure onto the bather’s body with the intent of producing relaxing or therapeutic effects.
- 1.72** “**Staff**” defined. **Staff** collectively refers to employees, responsible persons, massage therapists, reflexologists, or any other person working in any capacity within the massage or reflexology establishment.
- 1.73** “**Steam room**” defined. A **steam room** is a steam-filled and heated room designed to induce sweating.
- 1.74** “**Sterilization**” defined. **Sterilization** means elimination of all forms of microbial life including bacterial and fungal spores.
- 1.75** “**Therapy room**” defined. A **therapy room** is a room, booth, partitioned section, enclosure or other area within a massage or reflexology establishment where therapy can be performed.
- 1.76** “**Therapy whirlpool tub**” defined. A **therapy whirlpool tub** is a tub designed to recirculate water through a self-contained system, and expel the water back into the tub, and is intended to be drained and sanitized between individual patrons.
- 1.77** “**Treatment room**” defined. A **treatment room (also known as a healing room, or other similar name)** is a room that may contain a spa pool, therapy whirlpool tub, bathtub, shower, sauna, steam room, or any combination of these, and may possibly include portions of or be adjoined to a locker room as well as a toilet and lavatory (restroom).
- 1.78** “**Tub bath**” defined. A **tub bath** is where the bather’s body is dipped or soaked in water.
- 1.79** “**Wet areas**” defined. **Wet areas** are those areas within a massage establishment which routinely maintain a high moisture environment likely to result in condensing or pooling water. Such areas include bathrooms, saunas, steam rooms, bathing or showering areas, spa pool areas, and locker rooms.

Section 2

SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

Substantial Hazards to Public Health and Safety include, but are not limited to:

- 2.1** Substantial damage to the massage or reflexology establishment caused by earthquake, wind, fire, rain, or flood.
- 2.2** Loss of electrical power to critical systems, such as lighting, heating, cooling, or ventilation controls, for a period of two (2) or more hours.
- 2.3** A water outage to the entire massage or reflexology establishment for a period of one (1) or more hours.
- 2.4** A water supply that is not approved by the Health Authority.
- 2.5** A defect or condition that exists in the system supplying potable water that may result in the contamination of the water.
- 2.6** A cross-connection between the potable and non-potable water distribution systems, such as landscape irrigation, air conditioning, heating, and/or fire suppression.
- 2.7** A back siphonage.
- 2.8** Sewage that is not disposed of in an approved and sanitary manner.
- 2.9** Improperly installed toilet and hand washing facilities.
- 2.10** Infestation, harborage, or propagation of vermin.
- 2.11** The presence of toxic or noxious gases, vapors, fumes, mists or particulates in concentrations immediately dangerous to life or health, or in concentrations sufficient to cause an environmental disease or a public nuisance.
- 2.12** The presence within a massage or reflexology establishment of any pesticide not approved by the EPA, including any evidence of the indiscriminate use of a pesticide or herbicide which may be injurious to the health of humans.
- 2.13** The presence of any disease-causing organism in water exposed to the atmosphere at a level which has caused or is likely to cause an environmental disease in the massage or reflexology establishment.
- 2.14** A staff member infected with a communicable disease which represents an immediate hazard to fellow staff or patrons.
- 2.15** Equipment that by condition, design, construction or use poses an immediate risk of entrapment, fall, puncture, pinch, crush, trip, or other cause of injury.

- 2.16** Environmental surfaces, furnishings, beds, mattresses, mats, massage tables, pillows, linens, robes, garments, chairs or other items in use within a massage or reflexology establishment that are stained with blood or bodily fluids, soiled, or infested with vermin; or are in an otherwise unsanitary condition. This includes such conditions that result from gross incompetence of the staff.
- 2.17** Any unmitigated biohazardous event that simultaneously involves more than one (1) therapy room or a public area exceeding 200 square feet.
- 2.18** Missing or inoperable smoke detection equipment.
- 2.19** Inability of heating and cooling equipment to maintain the room temperatures between sixty (60 °F) and ninety (90 °F) in all rooms and areas within the massage or reflexology establishment used by patrons. This does not include areas such as steam or sauna rooms that intentionally maintain an elevated temperature OR ice rooms, which maintain a reduced temperature, for therapeutic purposes.
- 2.20** The presence of uncontrolled putrescible waste within the massage establishment, on the establishment grounds, or in waste accumulation and disposal areas in quantity and duration as to create a nuisance.
- 2.21** All illegal acts, including, but not limited to: clandestine drug laboratories and related activities; prostitution or other sexual activity; and human trafficking; or evidence related to such illegal acts, whether illegal at the federal, state, or local level.
- 2.22** Evidence of **gross incompetence** on the part of the responsible person or any massage therapist, independent massage therapist, reflexologist, or other employee of the massage establishment.
- 2.23** If the substantial health hazard affects people or is unmitigated, then the Health Authority shall be notified by the massage or reflexology establishment either during normal business hours at the Environmental Health Division phone number or after normal business hours through the 24-hour hotline. Such occurrences which have been corrected by the massage or reflexology establishment must be reported to the Health Authority within normal hours the next business day. **A matrix of reportable hazards, including time frames and actions to be taken is located in Appendix A.**

Section 3

PROHIBITED ACTS, PROHIBITED THERAPIES, AND EXEMPTIONS

3.1 Expressly prohibited acts

The following acts are ***expressly prohibited*** by the Health Authority:

- 3.1.1 The massage establishment shall not be open for business without at least one massage therapist on the premises at all times of operation who is in possession of all pertinent state and local licenses and cards from all applicable agencies of jurisdiction. The Health Authority may request to see the massage therapist's license to practice massage therapy issued by the NSBMT. Massage therapists shall present their licenses to the Health Authority upon request.
- 3.1.2 A staff member of a massage establishment, other than a licensed massage therapist, shall not touch a patron in any manner constituting or resembling massage therapy. Accepted acts of public social contact such as hand shakes or hugs are allowed.
- 3.1.3 Staff members, massage therapists, reflexologists or any person in a massage or reflexology establishment shall not place their hand or hands upon, touch with any part of the body, fondle in any manner, or make any intentional, occasional, or repetitive contact with a patron's restricted anatomical areas.
- 3.1.4 Under no circumstances nor at any time shall staff members, massage therapists, reflexologists, patrons, or any person in a massage or reflexology establishment expose, exhibit, or permit contact to their restricted anatomical areas.
- 3.1.5 The responsible person, massage therapist, employee, or other person in a massage establishment shall not be present in any room with a patron unless the patron's restricted anatomical areas are covered by an opaque material.
- 3.1.6 Under no circumstances nor at any time shall staff members, reflexologists, or any person in charge in a reflexology establishment require or allow a patron to remove any article of clothing, other than outerwear or clothing items whose removal is necessary for the performance of reflexology.
- 3.1.7 Because patrons are not required to be unclothed for the performance of reflexology, there shall be no time that the reflexologist, any staff member, or the responsible person is present in any room where patrons have their restricted anatomical areas uncovered and/or otherwise exposed.
- 3.1.8 Massage therapy shall not be performed on a patron under the age of eighteen (18) years unless the patron's parent or legal guardian signs a written consent in the presence of a representative of the massage establishment.
- 3.1.9 Massage therapy shall not be performed on a patron who is visibly or noticeably intoxicated with alcohol or otherwise under the influence of intoxicating substances.

- 3.1.10** No alcoholic liquor shall be possessed or consumed on the premises of any massage or reflexology establishment. This prohibition does not apply to massage or reflexology establishments within a facility such as, but not limited to, a hotel, resort hotel, athletic club, etc. In such cases, the prohibition of alcoholic liquors shall only apply to the area of the primary facility dedicated to the use of the massage or reflexology establishment.
- 3.1.11** Massage therapy shall not be performed on a patron who has a known or suspect reportable communicable disease. If a patron has a suspect skin affliction (skin fungus, infection, inflammation, eruption, or lesion) prior to massage therapy, the patron may provide to the massage therapist or establishment a written statement from a medical professional, which says that the skin condition is not communicable. Massage therapists are prohibited from *treating* cuts, wounds, or other such injuries, whether or not they are communicable.
- 3.1.12** Massage therapy shall not be performed by a massage therapist who is contagious with a communicable disease as defined under NRS Chapter 441A.

3.2 Prohibited therapeutic treatments

Therapeutic treatments to the anus and anal canal, including, but not limited to, colonic irrigations and enemas, are outside the scope of practice of massage therapists and reflexologists and are expressly ***prohibited therapeutic treatments***, not governed by these Regulations.

3.3 Specifically exempted acts or individuals

The following acts or individuals are ***specifically exempted*** from these Regulations:

- 3.3.1** Physicians, surgeons, chiropractors, osteopaths, podiatrists, physical therapists/physiotherapists, acupuncturists or any other medical professionals who are duly licensed to practice their respective professions in the state of Nevada, who in the course of their practice, provide massage or reflexology as incidental therapy to their patients.
- 3.3.2** Trainers for any bona fide amateur, semiprofessional or professional athlete or athletic team while in the course and scope of their employment.
- 3.3.3** Barbers, aestheticians, and cosmetologists who are duly licensed under the laws of the state of Nevada and who perform only those massages included within the practice of barbering, as an aesthetician, and under the practice of cosmetology.
- 3.3.4** Student clinic programs offering massage or reflexology on the premises of a recognized school of massage or reflexology located in the state of Nevada.
- 3.3.5** People who practice massage therapy solely on members of their own immediate families.

Section 4

FACILITIES AND EQUIPMENT

4.1 Initial assessment of existing massage or reflexology establishment for compliance with these Regulations

- 4.1.1 In order to commence business as a properly Health-Permitted massage or reflexology establishment, the massage or reflexology establishment must undergo an initial in-office plan review and on-site inspection by the Health Authority.
- 4.1.2 Each massage or reflexology establishment must submit an application for a massage establishment Health Permit to the Health Authority no later than 90 days after the effective date of these Regulations. See **Section 10** for the massage establishment Health Permit application process.
- 4.1.3 If the massage establishment wishes to offer open food or packaged potentially hazardous (PHF/TCS) foods on the premises to patrons, it must maintain all appropriate food establishment Health Permits or exemptions prior to doing so.
- 4.1.4 Continuing to operate as a massage or reflexology establishment without a valid massage establishment Health Permit is a violation of these Regulations. Each day the violation exists is considered a separate offense.

4.2 Plans for construction, remodeling

Before any person or business begins the construction of a new massage or reflexology establishment or the remodeling of an existing massage or reflexology establishment, plans must be submitted to the Health Authority for review and approval.

4.3 Exemption of existing facilities, equipment from design, construction requirements

- 4.3.1 Upon plan review and inspection by the Health Authority, an existing massage or reflexology establishment licensed by the applicable agencies of jurisdiction may have facilities and/or equipment being used which do not meet the exact requirements for design and construction established in these Regulations.
- 4.3.2 After plan review and inspection approvals occur, such existing facilities and/or equipment which are substantially similar to the prescribed equipment may be exempted from immediate replacement at the discretion of the Health Authority, if it is in good repair, is capable of being maintained in a sanitary condition, and does not create a health hazard.
- 4.3.3 The exemption is granted with the understanding that once the facilities and/or equipment come to the end of their service lives, they will be replaced with facilities and/or equipment constructed to meet the requirements of these Regulations precisely, unless a written variance is granted.

4.4 Certain areas prohibited from use as quarters for living or sleeping

It is unlawful for any person to use, or to permit another person to use any portion of a massage or reflexology establishment as a dwelling at any time.

4.5 Floors

- 4.5.1** Every floor and floor covering, such as carpeting, must be kept clean and in good repair, sanitized, or replaced so that it will not become a hazard to safety or health.
- 4.5.2** The floors located in on-site laundry areas, bathrooms, restrooms, locker rooms, and toilet rooms, or which are next to spa pools, whirlpool therapy tubs, bathtubs, showers, or toilets, or any other wet areas must be constructed of smooth, durable, nonabsorbent and easily cleanable material.
- 4.5.3** The floors in wet areas shall be slip resistant. Rubber or impervious mats may be used. When used, such mats must be cleaned and dried daily.
- 4.5.4** Floors in wet areas must be coved at the junctures between the floor and the walls. All material used to cove the junctures must be fitted securely to the floor and the walls so that they are water tight and there are no openings large enough to permit the entrance of vermin.

4.6 Walls, ceilings, and closures

- 4.6.1** All walls, ceilings, doors, windows, skylights, other closures, fixtures, and decorative material must be kept clean and in good repair.
- 4.6.2** Doors and windows opening to the outside shall be tight-fitting to exclude vermin.
- 4.6.3** The walls of bathrooms, restrooms, locker rooms, and toilet rooms must be smooth and easily cleanable and have water-resistant finishes in wet areas.
- 4.6.4** The materials used in constructing the walls and ceilings must be joined along their edges so there are no open spaces or cracks.
- 4.6.5** Studs, joists, rafters and beams must not be left exposed in bathrooms, restrooms, locker rooms, toilet rooms, or on-site laundry areas. If left exposed in other areas, these structural members must be suitably finished and be kept clean and in good repair.
- 4.6.6** The massage therapy room shall be constructed and maintained in a manner that permits easy entry and exit by the patron, massage therapist, reflexologist, responsible person, staff, the Health Authority, or representatives of other agencies of jurisdiction. No massage therapy or reflexology treatment may be given within any cubicle, room, booth, or any area within the massage or reflexology establishment which is fitted with a door capable of being locked, unless that door is an exterior door. No electronic locking device may be utilized on any interior door.

4.7 General furniture

All furniture that is not used in performing massage therapy or reflexology, such as chairs provided for the lobby, must be cleanable, kept in good repair, and maintained in a clean and sanitary condition.

4.8 Massage or reflexology tables and chairs

Massage or reflexology tables and chairs, or any similar items used to provide massage or reflexology therapy shall be constructed with smooth, durable, and easily cleanable material.

4.9 Lighting and electrical

4.9.1 All rooms of the massage or reflexology establishment shall have at least one electrical source of light. Lighting luminaries and fixtures may be of incandescent, fluorescent, or high intensity discharge types.

4.9.2 At least 50 foot-candles of light must be provided in the laundry area.

4.9.3 At least 20 foot-candles of light must be provided in each bathroom, restroom, locker room, toilet room, therapy room, or other areas when fully illuminated for cleaning.

4.9.4 Lighting may be dimmed for therapeutic reasons as long as there is enough light to see safely to conduct the therapy or to leave the room in case of an emergency.

4.9.5 Electrical outlets provided in wet areas of the massage or reflexology establishments shall provide proper, testable electrical safety methods such as Ground-Fault Circuit Interrupters (GFCIs) required by the electrical code currently in use by the applicable agency of jurisdiction. This applies to countertops and other areas where small appliances such as blow dryers and curling irons are provided for patron use or where patrons may utilize their own personal electrical devices.

4.10 Smoke alarms

Each distinct area of the massage or reflexology establishment must be equipped with at least one working smoke alarm that is installed, maintained, and tested according to existing fire codes.

4.11 Heating and ventilation systems

4.11.1 Each system for heating, cooling or ventilation must be properly maintained and operational at all times. All bathrooms, restrooms, locker rooms, toilet rooms, and laundry rooms must be adequately ventilated so that excessive moisture does not degrade the structure of the room. This does not apply to rooms within the facility that are intentionally humid, such as a steam room or sauna.

4.11.2 All therapy rooms, bathrooms, restrooms, locker rooms, and toilet rooms must be capable of being maintained at a temperature between sixty-eight (68° F) and eighty (80° F), unless intentionally cooler or warmer for therapeutic purposes, such as in an ice room or a sauna.

4.11.3 The use of portable space heaters is prohibited.

4.12 Bathrooms, restrooms, and locker rooms

4.12.1 There shall be, at a minimum, a restroom available containing at least one toilet and at least one lavatory. Restrooms and plumbing fixtures shall be installed in accordance with state and local building code requirements.

4.12.2 Facilities for bathing, dressing, and toileting shall be provided in such a way as to ensure privacy for male and female patrons.

4.12.3 When a staff member of the opposite gender must perform routine clean up or respond to a maintenance emergency in an area set aside for a single gender, then the area shall be cleared of all patrons of the opposite sex before the cleaning and maintenance activities commence.

4.12.4 All restrooms must be stocked with a supply of disposable paper or single-use cloth towels, liquid soap dispensed from easily cleanable permanent wall- or counter-mounted dispensers, and a supply of toilet paper on a dispenser.

4.12.5 Cloth towels provided in bathrooms, restrooms, and locker rooms for use by patrons must be dispensed in a manner that clearly facilitates single use prior to laundering. If cloth towels are provided for this purpose, they must be stored for use, dispensed, and stored for re-laundering in a clean and sanitary manner.

4.12.6 Bathrooms, restrooms, and locker rooms must be equipped with solid waste containers with lids to dispose paper towels and other refuse. These containers must be clean and well maintained.

4.12.7 All bathrooms, restrooms, locker rooms, bathtubs, showers, shower enclosures, shower curtains, steam rooms, saunas, spa pools, therapy whirlpool tubs, toilets, urinals, lavatories, countertops, benches, lockers, and/or other similar rooms or equipment must be kept in good repair.

4.12.8 All surfaces of showers, shower enclosures, shower curtains, toilets, urinals, lavatories, countertops, benches, floors and other fixtures within a bathroom, restroom, or locker room must be cleaned and sanitized each day the massage establishment is in operation. A record of daily cleaning and sanitizing activities shall be maintained and provided to the Health Authority upon request. Such records shall be maintained on site for one (1) year.

4.12.9 All other surfaces of the bathrooms, restrooms, and locker rooms must be cleaned and sanitized when visibly soiled or dirty.

4.12.10 Bathtubs, therapy whirlpool tubs, or similar equipment must be drained and every surface, including the internal piping, must be cleaned and sanitized between patrons. Such tubs must be maintained in an empty condition until immediately prior to their use.

4.12.11 Bathtubs, therapy whirlpool tubs, or similar equipment with pumping and recirculation systems must be treated with an effective biocide and scale-reduction agent as often as recommended by the manufacturer to do so.

4.12.12 If there is a spa pool or other similar equipment that retains the water between patrons, it must comply with NAC 444.010 through 444.546, *Sanitation, Public Bathing Places*.

4.12.13 All under-the-counter cabinets must be maintained in a clean, dry, and structurally sound condition. If the understructure becomes water damaged, the cabinets must be repaired or replaced.

4.13 Water supply

4.13.1 The potable water supply for each massage establishment must be from a source approved by the State of Nevada Division of Environmental Protection, Bureau of Safe Drinking Water and must meet all NRS 445A requirements.

4.13.2 Each massage or reflexology establishment must be supplied with or have available a hot and cold potable water supply that meets all sanitary purposes, including water for bathing and showering, using the toilet, hand washing, and laundering.

4.14 Plumbing

4.14.1 The potable water system must be installed and maintained in such a manner that there is no cross connection between it and any other system.

4.14.2 For existing massage or reflexology establishments, if the bathroom and/or locker room floors in the massage or reflexology establishment demonstrate upon initial inspection or at any point in the future operation of the facility that they routinely accumulate or are likely to accumulate standing water, then the floor must be modified to provide slope to drain or the installation of a floor drain connected to sanitary sewer.

4.14.3 For new massage or reflexology establishments designed and constructed following the adoption of these Regulations, areas that accumulate or are likely to accumulate standing water shall have a floor drain installed, which is connected to the sanitary sewer.

4.14.4 Each washing machine and/or sink used for washing laundry must have a drain indirect to sewer or a proper backflow or back siphonage device.

4.14.5 A device used to prevent backflow or back siphonage that is installed on a potable water system must comply with the standards for construction, installation, maintenance, inspection, and testing outlined in the most current Plumbing Code adopted by the agency of jurisdiction.

4.14.6 The written results of annual backflow prevention device testing must be made available at the massage or reflexology establishment for Health Authority review.

4.15 Water damage evaluation

- 4.15.1** Whenever evidence of significant water/moisture intrusion from any source is found within or on the walls, ceilings, attic spaces, crawl spaces, floors, carpeted surfaces, ventilation ducts, insulation, or other materials or areas which may promote the growth of mold, the source of the water or moisture must be identified and stopped to prevent or reduce mold growth. Damage caused by water intrusion shall be repaired.
- 4.15.2** Whenever a need arises to conduct a large-scale mold remediation affecting more than 1,000 square feet within a massage or reflexology establishment, the Health Authority must be notified in writing of actions taken.

4.16 Solid waste disposal

- 4.16.1** Each massage or reflexology establishment must have solid waste containers of sufficient number and size to store all the solid waste in a manner that does not exceed the waste containers' capacities until the solid waste is removed.
- 4.16.2** The frequency of solid waste removal must be at an interval which prevents putrescible waste from becoming a nuisance. If the solid waste is not being removed in a manner that prevents a public health nuisance or danger, the Health Authority shall direct the responsible person at the massage or reflexology establishment to increase the available solid waste container capacity and/or increase the frequency of scheduled pickups until adequate removal of the solid waste is achieved.
- 4.16.3** The solid waste containers must be:
- 4.16.3.1** Kept at locations approved by the Health Authority.
- 4.16.3.2** Kept covered and closed with a tight fitting lid at all times except when being filled, emptied, or cleaned, unless the equipment is specifically designed to be operated as an open dumpster or trash compactor.
- 4.16.3.3** Kept clean. Facilities for washing them must be provided and operated in a sanitary manner or appropriate contracts with a solid waste disposal company must be in place to clean and/or replace waste containers that become excessively dirty.

4.17 Sewage disposal

- 4.17.1** All sewage carried by water must be disposed of by means of public sewerage or by a system for disposal such as an ISDS, which is approved by the Health Authority.
- 4.17.2** If the massage establishment intends to discharge its sewage to an ISDS, the facility must submit plans for review and approval and obtain a permit for the ISDS from the Health Authority for that purpose.
- 4.17.3** Any outdoor sewage discharge, sewer pipe leaks, spills, or backflow onto the ground must be stopped and/or contained within four (4) hours or the facility may be subject to closure by the Health Authority.

4.17.4 All sewage spills must be remediated in a manner that eliminates potential disease transmission, offensive odors, sewage solids, and sewage litter.

4.18 Outdoor areas

All outdoor areas including, but not limited to, parking areas, walkways, landscaped areas, storage areas, and undeveloped grounds must have sufficient drainage to prevent water from collecting and stagnating in pools, and must be kept clean and free of any health hazards.

Section 5

GENERAL SANITATION

5.1 Public areas

All public areas of massage or reflexology establishments such as lobbies and merchandising and retail areas must be maintained in a clean and sanitary manner, free of litter, rubbish, and nuisances.

5.2 Massage tables

5.2.1 Massage tables must be cleaned and sanitized at the end of each business day.

5.2.2 Sanitization shall be carried out using a disinfectant in accordance with label instructions.

5.3 Linens

5.3.1 All massage establishments must provide clean linens for use by patrons and massage therapists during the course of massage therapy.

5.3.2 All clean bedding (e.g., pillows and blankets), linens, and garments must be protected from contamination. All clean bedding, linens, and garments shall be stored at least six (6) inches off the floor on shelves, in compartments; or in closed containers such as storage cabinets or sealed containers on the floor, which are used for bedding and linen storage purposes only.

5.3.3 Linens shall be used for one patron only and be removed immediately following massage therapy.

5.3.4 Single use, disposable coverings may be substituted for linens to cover massage or reflexology tables or chairs.

5.3.5 Linens that are used during any part of the massage must be immediately placed in a laundry receptacle to be washed and sanitized before use by the next patron.

5.3.6 Linens that are found to be in poor condition must be discarded and then replaced with linens in good condition so that the damaged linens are not inadvertently laundered and reused.

5.3.7 Clean linens must not be stored or transported in laundry bags, hampers, carts or other containers which have been used for soiled linen unless the operator of the massage establishment demonstrates to the Health Authority that the containers are, or can be, properly cleaned and their surfaces sanitized.

5.4 Massage establishment-supplied garments

5.4.1 Each massage establishment shall provide all patrons clean, sanitary, opaque linens or garments capable of covering the patron's restricted anatomical areas.

- 5.4.2** Reuse of unlaundered garments is prohibited.
- 5.4.3** Sufficient laundry hampers or storage bins must be provided for patrons to return garments and similar articles to the massage establishment for cleaning and sanitizing.
- 5.4.4** Laundry hampers or storage bins must be clearly marked as containing used garments to prevent inadvertent patron reuse.
- 5.4.5** Used or soiled garments or similar articles must be kept separate from clean ones while being stored.
- 5.4.6** Single-use, disposable slippers or sandals provided to a patron for use must be brand new.

5.5 Massage or reflexology chairs

- 5.5.1** Massage or reflexology chairs must be constructed with smooth, cleanable, and durable surfaces.
- 5.5.2** Massage therapists or reflexologists shall offer a patron receiving a chair massage or reflexology therapy, a limited combination of the following linens and/or garments:
 - 5.5.2.1** Single use, disposable coverings to place on the face rest and/or on the seat of the massage or reflexology chair. This disposable covering shall be disposed of after single use by a patron.
 - 5.5.2.2** Linens such as towels to place on the face rest or seat of the massage or reflexology chair or, for massage therapy only, garments such as robes, to wear for an extra level of comfort and/or modesty, if the patron is receiving a chair massage poolside and is wearing standard swimwear as permitted clothing. Once the patron has finished using the linens or garments, they shall be stored and handled for laundering the same way as other soiled linens and garments.
- 5.5.3** The massage or reflexology chair must be wiped with a disinfectant on all surfaces where the patron has made bare skin or hair contact (e.g., hand, head, and face rests, etc.) after each patron receives therapy.

5.6 Third-party linen provider

When a third-party linen provider is used, then any linens, towels, and/or conveyances that are found to be dirty, stained, or otherwise in poor condition must be rejected upon receipt.

5.7 On site laundry facilities

When linens and garments are laundered at the massage or reflexology establishment:

- 5.7.1** They must be laundered, folded, and stored in an area that is clean and well maintained.

- 5.7.2 Separate storage areas must be designated for soiled linen and garments away from clean linen and garments.
- 5.7.3 The washing machines, dryers, and folding tables must be maintained in operating condition.
- 5.7.4 There must be a handwashing sink, supplied with hot and cold running water, dispenser-fed liquid soap, and disposable towels installed in the laundry room.
- 5.7.5 Laundry that arrives in the laundry area, which has been exposed to a biohazardous event, may be handled by the Biohazard Event Response Plan written for the massage or reflexology establishment and all applicable regulatory requirements. An example Biohazard Event Response Plan may be found in **Appendix B**.
- 5.7.6 Linen storage shelves or cabinets must be constructed of smooth, non-porous, corrosion, and water damage-resistant material.
- 5.7.7 Existing wooden or combination metal/wood shelving which passes initial plan review assessment during the permitting process must be sealed with a sealing paint or clear coat and the shelves must be maintained in an easily cleanable condition.

5.8 Personal hygiene supplies

- 5.8.1 Multi-use personal hygiene products such as lotion, hairspray, or body spray must be dispensed from a container that prevents the contamination of the product.
- 5.8.2 Multi-use personal hygiene product containers placed out for patron use must be maintained in a reasonably clean condition and routinely wiped down with a sanitized wiping cloth.
- 5.8.3 If a multi-use product appears as if it were misused by a patron and is now suspected to be contaminated, it must be discarded immediately.
- 5.8.4 The communal use of multi-use items that contact the body of a patron, such as stick deodorant, razors, or toothbrushes, is strictly prohibited.
- 5.8.5 If the massage establishment provides personal hygiene items that contact the body directly during use, they must be single-use/disposable items.
- 5.8.6 Used single-use articles must be discarded following use by the patrons, except if the patrons are permitted to take the items with them for personal use once they depart the massage establishment.
- 5.8.7 If articles for multiple use that directly contact the patron's body are offered in lieu of single use articles, they must be kept by the patron or discarded in exactly the same manner as single-use/disposable articles, regardless of whether or not there is a useable amount of product remaining in the container.

5.9 Massage lubricants

- 5.9.1** Lubricants must be dispensed, handled, and stored in a manner that prevents cross-contamination of the product and preserves the product's integrity.
- 5.9.2** Lubricants must be stored separately from chemicals such as cleaning supplies.

5.10 Massage instruments or equipment

- 5.10.1** All items, not limited to, instruments, apparatus, equipment, tools, stones, or appliances which are designed for multiple-use during massage therapy shall be cleaned and sanitized after use on each patron and before their next use on another patron.
- 5.10.2** Facilities, as determined by Plan Review, must be maintained at the massage establishment for cleaning and sanitizing equipment.
- 5.10.3** All electrical equipment used for patron's therapy must be clean, well maintained, and approved by a nationally recognized testing laboratory. Any such equipment that is used in a moist environment or is used in contact with lubricants or other substances which can transmit electricity must be connected to an outlet with a GFCI.

5.11 Cold and heat therapy packs

- 5.11.1** Ice packs used for cold therapy may be single use or must be commercial grade, capable of being cleaned and sanitized.
- 5.11.2** Multi-use ice packs must be wiped down with disinfectant prior to reuse or storage.
- 5.11.3** Multi-use hot packs used to provide heat therapy must be commercial grade, capable of being cleaned and sanitized.
- 5.11.4** Damaged multi-use ice and hot packs must be discarded.
- 5.11.5** The use of domestic equipment as part of massage therapy modalities may be approved by the Health Authority.
- 5.11.6** Steamed towels may be used only once per patron.

5.12 Disposable/single-use articles

All disposable/single-use articles in a massage or reflexology establishment must be stored in closed cartons or containers six (6) inches from the floor, and be handled and dispensed in a manner that prevents contamination.

5.13 Service animals

- 5.13.1** Service animals are permitted in a massage establishment; however, no service animal may be allowed to create a nuisance.
- 5.13.2** Animal wastes must be cleaned up immediately.

Section 6

MESSAGE THERAPY PROCESS

6.1 Massage therapist responsibilities

Massage therapists shall:

- 6.1.1 Deliver treatment in a manner that ensures each patron's health and safety.
- 6.1.2 Comply with the requirements of these Regulations.

6.2 Hygiene during massage therapy

The massage therapist shall:

- 6.2.1 Cleanse their own exposed body part(s) used for applying treatment, (e.g., hands, elbows, feet) using a lavatory with soap and hot water before and after each patron's treatment.
- 6.2.2 Not conduct massage therapy on broken or inflamed skin of a patron.

6.3 Maintenance and clean up of the massage therapy room

Maintenance shall be performed on the massage therapy room when the massage therapy room is vacant:

- 6.3.1 All used linens and garments shall be removed and placed in designated containers for laundering.
- 6.3.2 All single-use items shall be disposed in a solid waste receptacle.

6.4 Record keeping

On an ongoing basis, the responsible person, massage therapist, or an employee shall maintain:

- 6.4.1 Documentation for each session of massage therapy, including name and contact information of the patron, and the date of service.
- 6.4.2 Documentation of parent or guardian consent for massage therapy, if the patron is a minor.
- 6.4.3 Documentation generated by the massage establishment shall be maintained for at least one (1) year, on a rotating twelve (12)-month schedule, on site and accessible to the Health Authority for review upon request.

Section 7

CONTROL OF VERMIN

7.1 General provisions and preventive measures

- 7.1.1 Insects, rodents, and other vermin must be controlled. Corrective engineering measures may be required by the Health Authority whenever a pest control problem is identified.
- 7.1.2 All openings to the exterior of a massage or reflexology establishment must be protected to prevent access by rodents, flies and other vermin.
- 7.1.3 The responsible person for a massage or reflexology establishment shall not accumulate garbage, refuse, or any materials that may serve as food or harborage for vermin.
- 7.1.4 A massage or reflexology establishment found to have an infestation of live rodents, cockroaches, bed bugs, or other vermin in type and number to cause a public health nuisance must be closed to the public immediately and remain closed until the infestation is eliminated, as determined by the Health Authority.
- 7.1.5 The solid waste receptacle storage area must be checked for evidence of vermin activity. Corrective actions must be taken whenever evidence of vermin is found.

7.2 Pest control application

- 7.2.1 All pesticides must be used in accordance with the manufacturer's recommended directions and labeling instructions and stored in a safe manner.
- 7.2.2 Only certified applicators or persons under the direct supervision of a primary principal or principal, as defined by NRS 555.2618, NAC 555.2555, and NAC 555.256, may apply restricted-use pesticides at a massage establishment.
- 7.2.3 Any activities involving fumigation must be performed in compliance with NRS Chapter 555 and NAC Chapter 555. *Information regarding NRS and NAC 555 is located in **Appendix D**.*
- 7.2.4 The Health Authority may require that the responsible person enter into a contract for licensed commercial pest control service whenever the Health Authority determines that:
 - 7.2.4.1 An In-house pest control applicator does not have a current Nevada Restricted Use Pesticide Certificate issued in his or her name by the Nevada Department of Agriculture which includes approval in at least the commercial certification categories of Industrial Pest Control and Institutional Pest Control of NAC 555.620 7(a) and 7(b) respectively;
 - 7.2.4.2 In-house pest control measures are inadequate to maintain control of pests;

7.2.4.3 An in-house certified applicator is not available or is not being used;

7.2.4.4 Adequate in-house records as required in Section 7.4 are not being maintained; or

7.2.4.5 In-house pest control chemicals are being stored or applied improperly.

7.3 Rodent waste clean-up

7.3.1 All rodent wastes must be cleaned up immediately and in a manner which reduces the disturbance of rodent feces, urine, and saliva particles and associated mists.

7.3.2 Appropriate respiratory protection must be provided for any staff member involved in rodent waste clean-up consistent with current U.S. Centers for Disease Control and Prevention recommendations. **(See Appendix E)**

7.4 Record keeping

7.4.1 The responsible person must retain a copy of all records which documenting the receipt of pest control services from a licensed commercial applicator, for a minimum of two (2) years from the date of service, or longer if otherwise required by applicable law. Records will be maintained on-site and made available for review by the Health Authority during regular business hours.

7.4.2 Any massage establishment performing pesticide applications must keep records documenting all pest control applications for a minimum of two (2) years indicating the date, type, and location of pest control activities. See **Appendix D** for a *Pesticide Use Report Sample*.

7.5 Required reporting

Any infestation of vermin must be reported verbally to the Health Authority for assistance in developing a control plan in conjunction with a commercial certified applicator or an in-house certified applicator. See **Appendix F** for *Health Authority contact information*.

Section 8

STAFF REQUIREMENTS

8.1 Staff training and other requirements

8.1.1 All staff members

- 8.1.1.1** All staff of a massage or reflexology establishment must be trained to the extent necessary to safely complete their job duties within the scope of their responsibilities.
- 8.1.1.2** All staff that are directly involved in massage therapy, reflexology, or massage or reflexology establishment maintenance shall be trained to recognize obvious health hazards as outlined in **Section 2**. Any staff member encountering such a health hazard shall immediately report it to the responsible person.
- 8.1.1.3** All staff directly involved in responding to biohazard events must be trained in biohazard issues and handling in accordance with OSHA standards.

8.1.2 Responsible Person

- 8.1.2.1** Responsible persons in charge of the massage or reflexology establishment must be aware of and keep records of all required cards, permits, licenses, certifications, educational and other requirements, and authorizations for:
 - 8.1.2.1.1** Themselves
 - 8.1.2.1.2** The massage or reflexology establishment itself
 - 8.1.2.1.3** All employees
 - 8.1.2.1.4** Massage therapists and/or reflexologists.
- 8.1.2.2** The responsible person must ensure that all applicable permits, licenses, or work cards that are required to be visible to patrons and the public are properly displayed in the locations indicated by the Health Authority and other agencies of jurisdiction.
- 8.1.2.3** The responsible person is held accountable for compliance with all requirements issued by all relevant state, county, and local agencies of jurisdiction where the massage or reflexology establishment conducts business.
- 8.1.2.4** Violation of any one or a combination of these requirements by the massage or reflexology establishment, the responsible person, any employee, or a massage therapist or reflexologist may result in the suspension of the massage establishment Health Permit and interruption of business operations while the matter is resolved with the affected agency of jurisdiction.

8.1.3 Massage therapists

- 8.1.3.1** Massage therapists are responsible for attaining and maintaining all of the required cards, permits, licenses, certifications, training, continuing education, and authorizations they must have to operate in the state of Nevada and Clark County, including the requirements of each separate municipality in which they operate.

8.1.3.2 Training requirements are mandated by the NSBMT.

8.1.4 Reflexologists

Reflexologists are responsible for attaining and maintaining all of the required cards, permits, licenses, certifications, training, continuing education, and authorizations they must have to operate in the state of Nevada and Clark County, including the requirements of each separate municipality in which they operate.

8.2 Staff hygiene and handwashing

8.2.1 All staff must maintain good personal hygiene practices associated with their work assignments.

8.2.2 Staff who come in contact with patrons, utensils, linens or garments, or who clean therapy rooms, bathrooms, restrooms, or locker rooms shall thoroughly wash their hands with soap and warm water:

8.2.2.1 Before starting work each day;

8.2.2.2 Before and after wearing gloves;

8.2.2.3 Immediately prior to beginning massage therapy on a patron;

8.2.2.4 Immediately prior to handling clean utensils, linen, or garments;

8.2.2.5 Immediately after completing the handling soiled utensils, linen, or garments;

8.2.2.6 As often as may be required to remove soil and contamination from any other source of obvious contamination.

8.3 Staff Clothing

8.3.1 All outer garments worn by staff must be fully opaque. Such garments shall not expose their restricted anatomical areas.

8.3.2 The outer garments of each person engaged in massage therapy, reflexology, handling bedding, linens, or garments in a massage establishment must be kept visibly clean.

8.3.3 Staff clothing that has become visibly soiled or contaminated must be changed prior to returning to duty.

8.3.4 Soiled staff clothing must be stored in a designated soiled laundry receptacle.

8.4 Staff Facilities

Staff locker rooms and break areas, when provided, must be marked clearly as such and maintained in a clean, sanitary, and safe condition.

Section 9

MESSAGE ESTABLISHMENT HEALTH PERMITS

9.1 Message establishment Health Permit required

All massage or reflexology establishments must have a current and valid massage establishment Health Permit issued by the Health Authority in order to operate.

9.2 Applications for and issuance of massage establishment Health Permits to operate

9.2.1 Prior to commencing the operation of any massage or reflexology establishment, the responsible person or persons, business entity, or agent must make written application for a massage establishment Health Permit on forms provided by the Health Authority, pay all applicable fees, and receive written approval from the Health Authority to operate.

9.2.2 When making application for a massage establishment Health Permit, the following information and items must be brought to the Health Authority:

9.2.2.1 The name, location and mailing address of the massage or reflexology establishment;

9.2.2.2 A statement indicating whether the applicant is a natural person, firm or corporation;

9.2.2.3 The applicant's full name, mailing address, and signature or that of a representative designated by them, if the applicant is a firm or corporation;

9.2.2.4 The name of the responsible person of the massage or reflexology establishment and signature, if different from the applicant or applicant's representative;

9.2.2.5 Proof of ownership or lease agreement for the property and buildings on which the massage or reflexology establishment will be built.

9.2.2.6 Any construction plans, schedules, schematics, or drawings, which are offered by the applicant for consideration prior to formal plan review.

9.2.3 Massage establishment Health Permits shall be issued by the Health Authority to massage or reflexology establishments found to be in compliance with these Regulations. Massage establishment Health Permits shall be subject to review and renewal annually.

9.2.4 Any food establishment, public accommodation facility, health club, or any swimming pool/spa pool operating at the same location as a massage establishment must have a separate food establishment, public accommodation facility, health club, or swimming pool/spa pool Health Permit(s).

9.2.5 Any kind of Health Permit is not transferable from person to person or from location to location.

9.3 Massage establishment Health Permit issuance

9.3.1 Upon receipt of a completed massage establishment Health Permit application and all applicable fees, the Health Authority shall acknowledge receipt of the application within 48 hours and then review the submitted application in a timeframe agreed upon by the Health Authority and the massage establishment.

9.3.2 The Health Authority shall make an inspection of the massage or reflexology establishment to determine compliance with the provisions of these Regulations.

9.3.3 The Health Authority shall issue a permit to operate when applicable requirements are met.

9.4 Massage establishment Health Permit posted

The current massage establishment Health Permit must be posted in plain view of the general public.

9.5 Massage establishment Health Permit fee schedule

The current Health Permit Fee Schedule adopted by the Health Authority applies to massage establishments.

9.6 Penalties

Every owner, manager, or responsible person in charge of any massage establishment who fails to comply with these Regulations, whether through the acts of himself, his agent or staff, is in violation of these Regulations. Every day that a violation of these Regulations exists constitutes a separate offense.

Section 10

PLAN REVIEW AND SUBMISSION AND APPROVAL DATE

10.1 Regulation of new construction and renovation of a massage establishment

The construction of new massage establishments and remodeling of existing massage establishments shall be in accordance with all pertinent state, county, and local laws, rules and regulations including those of the state board of health, the Health Authority, and other agencies of jurisdiction. **Appendix H** provides a listing of other federal, state, and local laws, regulations, and codes that may apply.

10.2 Plans for construction and remodeling

At least thirty (30) days prior to beginning construction or remodeling of a massage establishment, the responsible person must submit construction plans with all schedules; e.g., floor plans, elevations, schematics, equipment, etc., to the Health Authority for review and approval. Upon review of the initial application, the Health Authority Plan Review representative shall determine which plans and schedules must be submitted and communicate that information verbally and in writing to the massage establishment's representative.

10.3 Health Authority review timeline

Plans for construction and remodeling of a massage or reflexology establishment which are submitted to the Health Authority must be reviewed within a time frame agreed upon in advance with the representative(s) of the massage or reflexology establishment submitting the application.

10.4 Exemption of existing facilities and equipment from design construction requirements

If any facility or equipment being used by the massage or reflexology establishment upon the implementation date of these Regulations does not meet the requirements for design and construction established in this Section, the operator is exempted from those requirements and may continue to use the facility or equipment if it is in good repair, is capable of being cleaned and maintained in a sanitary condition, and does not create a health hazard, safety hazard, or nuisance condition.

Section 11 INSPECTIONS

11.1 Inspections and investigations

- 11.1.1 The Health Authority is authorized to perform inspections, investigations, reviews, and other actions deemed necessary to ensure compliance with these Regulations.
- 11.1.2 After the initial inspection or other official visit, an inspection or official visit may be made as often as the Health Authority determines is necessary to ensure compliance with corrective actions associated with the inspection, investigation, concerns, hazards or validated complaints identified by the Health Authority, in accordance with these Regulations.

11.2 Agent of Health Authority identification

Health Authority agents will show their Health Authority-issued official identification to the responsible person upon entering a massage or reflexology establishment to make an inspection or conduct other business pursuant to these Regulations.

11.3 Responsible person must provide immediate access to Health Authority

- 11.3.1 Upon providing identification pursuant to **Section 11.2**, the Health Authority shall be provided immediate access to the massage or reflexology establishment to perform an inspection or conduct other work pursuant to these Regulations.
- 11.3.2 Any unreasonable denial of access by the responsible person to any area of the massage or reflexology establishment, its grounds, maintenance rooms, laundry rooms, or other areas requiring sanitation and safety inspections or investigation after being provided identification pursuant to **Section 11.2** may result in immediate enforcement actions, such as suspension of the massage establishment Health Permit. The massage establishment Closure Order may state that the massage establishment Health Permit is suspended and that all business activities must be discontinued immediately. Any responsible person to whom such an order is issued shall comply with it immediately.

11.4 Inspection of outcall massage or reflexology service business

The massage therapist or reflexologist or outcall massage or reflexology service business conducting outcall massage and reflexology shall allow the Health Authority to inspect during any business hours all facilities, storage areas, equipment, massage lubricants, records, and vehicles used in conducting massage therapy or reflexology.

11.5 Unlawful to interfere with or intimidate agents of the Health Authority

- 11.5.1 Pursuant to both NRS 197.090 and NRS 199.300, it is unlawful for any person to interfere with the agents of the Health Authority in the performance of their duties or to directly or indirectly address any threat or intimidation to an agent of the Health Authority, with the intent to induce such an agent contrary to his or her duties.

11.5.2 Attempts to interfere with or intimidate an agent of the Health Authority may result in the immediate suspension of the massage establishment Health Permit, and/or the issuance of a massage establishment Closure Order with the intent to permanently revoke the massage establishment Health Permit.

11.6 Health Authority must provide written report, including corrective actions

11.6.1 The Health Authority agent will prepare an inspection report describing any findings, including any deficiencies identified during the inspection.

11.6.2 Any Substantial Health Hazards noted on the inspection report must be remedied immediately. There may be deficiencies noted on the inspection report that do not constitute a substantial threat to public health and safety. Corrective actions for these types of deficiencies shall be noted on the inspection report and be assigned a specified period of time within which the indicated corrections must be completed. Unless otherwise noted on the inspection report, all violations shall be corrected within thirty (30) days.

11.6.3 A copy of the completed inspection report will be retained by the Health Authority for their records.

11.6.4 A copy of the completed report must be furnished to the responsible person of the massage or reflexology establishment upon completion of the inspection.

11.7 Corrective actions for inspection deficiencies

11.7.1 The responsible person shall ensure that health, safety, and sanitation violations are corrected as directed by the Health Authority.

11.7.2 If the inspection or official visit was conducted in response to a complaint, then verified complaints may result in the application of the verified complaint fee to the responsible person, as indicated on the Health Authority's current Fee Schedule. The current fee schedule is available on the SNHD website, **www.SNHD.info**.

11.8 Failure to correct a deficiency

11.8.1 Failure to correct a deficiency within the period specified in the written report is a violation of these Regulations. The Health Authority and the responsible person may coordinate a continuance of the period of time for remediation specified in the written inspection report.

11.8.2 Violations that constitute a substantial threat to public health and safety and their remedies are addressed in **Section 2** of these Regulations.

11.9 Annual inspection

Massage establishments shall be inspected at least once each year for permitting purposes.

Section 12 ENFORCEMENT

12.1 Enforcement authority

If the Health Authority has inspected or investigated any massage or reflexology establishment and believes the responsible person in violation of these Regulations or has otherwise failed to comply with these Regulations, the Health Authority may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies.

12.2 Correction of violations

- 12.2.1** When a reinspection date has been indicated on the inspection report, the responsible person shall correct the conditions which resulted in the violation(s) by the date indicated.
- 12.2.2** If corrective actions cannot be completed by the indicated date, the responsible person shall contact the Health Authority prior to the reinspection date to reschedule. A new reinspection date may be provided if the Health Authority determines that the new reinspection date will not adversely affect the health and well-being of the patrons or the public. A reinspection fee, as indicated on the Health Authority's current Fee Schedule shall be assessed when the same violations are observed on the subsequent reinspection.
- 12.2.3** If circumstances warrant because of the seriousness of the hazard, the Health Authority may act to correct or abate the emergency without issuance of a Notice or Order, or without waiting for the expiration of compliance time previously given in an inspection report, Notice or Order.

12.3 Repeated non-compliance

Continued non-compliance; serious, repeated violations; or a history of repeat violations of these Regulations may, in the Health Authority's discretion, result in one (1) or more of the following actions:

- 12.3.1** A letter of warning to the responsible person outlining the health, safety, or sanitation concerns, with a copy of the letter sent to the relevant agency of jurisdiction or Licensing Authority, such as business licensing or code enforcement.
- 12.3.2** A required supervisory conference to review violations and remedial actions.
- 12.3.3** Non-renewal of the massage establishment Health Permit with notification of the relevant Licensing Authority.
- 12.3.4** The suspension or revocation of the massage establishment Health Permit.

- 12.3.5** Any other action deemed necessary and appropriate to protect the safety of the public and preserve the environment.

12.4 Cease and Desist Orders and Closure Orders

If any violation or combination of violations noted on the inspection report constitutes a substantial threat to health and safety, then the following actions may be taken by the Health Authority:

- 12.4.1** If a substantial health hazard exists and is limited to a distinguishable area or function of the massage or reflexology establishment, then a Cease and Desist Order shall be issued by the Health Authority for that area or function.
- 12.4.2** The Cease and Desist Order shall describe the violation, its location within the massage or reflexology establishment, the corrective action necessary to remedy the situation, and a time frame within which the corrective action must be completed. That area or function is considered closed to patron or staff use. Other areas may continue to function as normal as long as the area where activities have been directed to cease does not constitute a substantial health hazard to areas remaining in operation.
- 12.4.3** Areas or functions of a massage or reflexology establishment ordered to cease and desist operation may not resume their functions until released by the Health Authority.
- 12.4.4** When a substantial part of a massage or reflexology establishment and/ or its functions and services are issued a Cease and Desist Order or are closed, then the facility may be issued a massage establishment Closure Order. This Order requires that all activities related to the entire facility's operation must cease until the substantial health hazards noted on the Order are corrected and a satisfactory reinspection has occurred.
- 12.4.5** If a violation exists that is considered not critical to the operation of the facility and does not present an imminent threat to public health and safety, then it shall be noted on the inspection report, given a corrective action to remedy the violation, and a timeframe in which to perform the corrective action. Correction of the violation shall occur within the dictated time frame and may be reinspected at that time or upon the next routine inspection.
- 12.4.6** The Cease and Desist Order will advise the responsible person of the deficiencies present and the required corrective actions, outline the areas and functions within the massage or reflexology establishment that are affected by the Cease and Desist Order, and if applicable, the reasons that the Health Permit is subject to suspension or revocation. If the majority of the massage or reflexology establishment is required to cease and desist operation, then a Closure Order may be issued in addition to the Cease and Desist Order.
- 12.4.7** The Cease and Desist Order and/or Closure Order may state that any related Health Permits are suspended and all operations related thereto must cease and desist immediately. The responsible person to whom such an Order is issued shall comply with it immediately.

12.4.8 The Cease and Desist Order and/or Closure Order shall advise the responsible person, in writing, of the requirements for filing a request for a reinspection, a request for Health Permit reinstatement, and/or for an administrative hearing.

12.5 Reinspection protocol for Cease and Desist Orders and Closure Orders

12.5.1 A massage or reflexology establishment which has any area ordered to cease and desist operation or has been entirely closed due to a substantial health hazard must pay a closure fee and reinspection fee prior to requesting a reopening inspection of the area(s) in question (see the current edition of the SNHD EHD Fee Schedule).

12.5.2 Once the massage or reflexology establishment pays the closure fee and reinspection fee and requests the reinspection, the Health Authority shall reinspect, or make mutually agreed upon arrangements with the responsible person to reinspect, within 72 hours of the receipt of the request.

12.6 Massage establishment Health Permit suspension

12.6.1 When conditions at the massage or reflexology establishment result in the issuance of a massage establishment Closure Order or when the responsible person fails to remedy deficiencies previously addressed in an inspection report, Cease and Desist Order, or Closure Order, the Health Authority may suspend the massage establishment Health Permit.

12.6.2 Any massage or reflexology establishment which operates, as part of its facility, a food establishment, public accommodation facility, health club, swimming pool, spa pool, or potable water supply system, such as a water well, without a valid food establishment, public accommodation facility, health club pool/spa, or water Health Permit, respectively, is in substantial noncompliance of these Regulations and is subject to immediate massage establishment Health Permit suspension or revocation.

12.6.3 The Health Authority may also suspend a massage establishment Health Permit or business operation if the massage or reflexology establishment:

12.6.3.1 Does not have a **valid** massage establishment Health Permit, license, or other authorization required by applicable agencies of jurisdiction.

12.6.3.2 Rents, leases, or otherwise uses a room or area within the massage or reflexology establishment which has been closed by the Health Authority.

12.6.3.3 Causes or allows illegal activity to occur at the massage establishment, which may cause potential illness, injury, or death of patrons, employees, or persons.

12.6.3.4 Violates **Section 11.5** "Unlawful to interfere with or intimidate agents of the Health Authority."

12.6.3.5 Causes or allows any act of gross incompetence on the part of any employee, massage therapist, reflexologist, or responsible person.

12.7 Procedure for request of massage establishment Health Permit reinstatement

- 12.7.1** When a massage establishment Health Permit has been suspended, a responsible person representing the facility may make application for a reinspection for reinstatement of the massage establishment Health Permit.
- 12.7.2** Within ten (10) days following receipt of a written statement signed by the responsible person asserting that, in their opinion, the conditions causing the violation have been corrected, the Health Authority may make a reinspection.
- 12.7.3** Following a timely review of the application, the Health Authority shall make a reinspection of the massage establishment.
- 12.7.4** The Health Authority shall determine if the conditions have been corrected, which caused the threat to public health and resulted in the suspension of the massage establishment Health Permit.
- 12.7.5** Unless the Health Authority is pursuing permanent revocation of the massage establishment Health Permit, if the conditions have been corrected and the applicant is complying with the requirements of these Regulations, the massage establishment Health Permit shall be reinstated.

12.8 Massage establishment Health Permit revocation

- 12.8.1** The Health Authority may permanently revoke a massage establishment Health Permit under certain conditions including, but not limited to, continued noncompliance; serious, repeat violations; or a history of repeat or willful noncompliance with the requirements of these Regulations.
- 12.8.2** Upon receipt of the revocation Order (Notice of Revocation), the massage or reflexology establishment must cease immediately all provision of any massage services or adjunct services such as use of the therapy whirlpool tubs, locker room, or bathroom facilities. The massage or reflexology establishment must close all facilities such as laundry facilities, food sales, or retail sales operated under the massage establishment Health Permit pending a hearing pursuant to an exercised right of appeal. Revocations are intended to result in permanent closure of the massage or reflexology establishment. The massage or reflexology establishment may seek relief through the administrative hearing process outlined in these Regulations.

12.9 Administrative Hearing Process

- 12.9.1** A party aggrieved by any Notice or Order issued to them as part of the implementation of these Regulations may request an administrative hearing in writing, within ten (10) days of the date of receipt of the Notice or Order.
- 12.9.2** Administrative hearings will be conducted in accordance with the Health Authority's Administrative Hearing Procedures.

12.10 Health Authority additional legal remedy

- 12.10.1** Whenever the responsible person fails to comply with the provisions of these Regulations in a timely manner, relief may also be sought through a court of competent jurisdiction or any of the methods outlined in **Section 12.1**.
- 12.10.2** Whenever a responsible persons, massage therapists, or reflexologists are operating without legal authority to do so or in a prohibited manner, such as providing massage therapy or reflexology treatments at their unpermitted, unlicensed private residences, the Health Authority may conduct an investigation into the matter. The terms, conditions, and policies of other applicable statutes and ordinances are intended to be applied in conjunction with the enforcement of all other ordinances of the state, county, and its municipalities designed for the protection of the public health, safety, morals, and welfare. The fact that such statutes or ordinances are not specifically referred to in these Regulations in no manner precludes their application to such situations.
- 12.10.3** The Health Authority shall notify the appropriate business licensing and/or code enforcement authorities of the suspension or revocation of any Health Permit.

Section 13

OUTCALL MESSAGE SERVICE

13.1 Storage and maintenance of outcall massage equipment

Massage tables, chairs, linens, supplied garments or disposable coverings, personal hygiene supplies, massage lubricants, instruments, equipment, cold and heat therapy packs, and disposable/single-use articles must be stored and maintained in a manner consistent with **Section 5** of these Regulations. When not in use or transport, items may be stored in a non-commercial location under the control of the massage therapist or other responsible person as long as the storage area is clean, dry, and free from vermin or other sources of contamination.

13.2 Packing and transport of outcall massage equipment to service site

- 13.2.1** While in transport, massage equipment and supplies listed in **Section 13.1** must be packed and stored in a manner that prevents them from becoming contaminated in transit.
- 13.2.2** Clean linens, supplies, and tools must be kept separate from used linens and other potentially contaminated items while being transported in the massage therapist's vehicle by means of barriers such as plastic bags or totes.

13.3 Set up for outcall massage service

- 13.3.1** Massage equipment and supplies must be set up in a clean area at the outcall massage point of service.
- 13.3.2** Massage equipment, linens, and supplies must be used and maintained in a manner which is consistent with **Sections 5 and 6** of these Regulations.
- 13.3.3** Hand washing may be performed using a bathroom or restroom sink provided at the outcall massage point of service, such as within a residence or office.

13.4 Operations during outcall massage service

Massage therapy shall be provided in a manner consistent with **Section 6** of these Regulations, including personal hygiene of the massage therapist.

13.5 Clean up following outcall massage service

Once massage therapy services have been completed, maintenance and clean up of the massage equipment and supplies shall be performed consistent with **Sections 5 and 6** of these Regulations.

13.6 Packing and transport of outcall massage equipment to base business location or storage facility

- 13.6.1** Massage therapy equipment and supplies which have been cleaned and sanitized must be packed for transport in a manner that prevents cross-contamination from previously soiled articles or linens which have not been cleaned and sanitized.
- 13.6.2** Soiled articles must be bagged up and stored in a manner that prevents them from contacting clean and sanitary supplies and equipment which will be used for the next outcall therapy session.
- 13.6.3** Once transported back to the outcall massage therapist's base business or storage facility, all equipment and supplies as listed in **Section 13.1** shall be given final cleaning and sanitizing prior to storage for next transport and use as outlined in **Sections 5 and 6** of these Regulations.

13.7 Record keeping requirements for outcall massage services

- 13.7.1** Outcall massage therapists must maintain legible records such as a logbook or register wherein is shown:
 - 13.7.1.1** If the massage therapist is employed by a commercial massage establishment, the name of the business, its address and phone number.
 - 13.7.1.2** If either an employee of a massage establishment or an independent massage therapist, the name of the massage therapist providing massage therapy,
 - 13.7.1.3** The name, address, and contact information for each patron to whom the massage therapist provides therapy.
 - 13.7.1.4** Any special notes such as parental written consent for therapy to minors.
- 13.7.2** This written record shall be maintained by the massage establishment or the independent massage therapist for a period of one (1) year.
- 13.7.3** The written record must be available for review by the Health Authority upon request.

Section 14 REFLEXOLOGY

14.1 Reflexology establishment facilities

- 14.1.1 Exterior windows shall not be tinted or covered in any manner that prevents a view of the inside of the establishment from the exterior.
- 14.1.2 All front reception, hallway, and front exterior doors (except back or rear exterior doors used only for employee entrance to and exit from the reflexology establishment) shall be kept unlocked during business hours. No electronic locking device may be utilized on any interior door.
- 14.1.3 No reflexology may be performed within any cubicle, room, booth, or other area of the reflexology establishment, which is fitted with a door, unless that door is an exterior door. Establishments in existence on the effective date of these Regulations must comply with local ordinances, which requires that doors are removed from rooms or areas where reflexology is performed and those doorways shall remain unobstructed.
- 14.1.4 Newly constructed and Health Permitted reflexology establishments shall provide or permit reflexology only within an unenclosed room defined by walls not taller than three (3) feet in height, as measured from the finished floor of the occupied space.

14.2 Reflexologist responsibilities

Reflexologists shall:

- 14.2.1 Have at least one qualified responsible person on premises at all times.
- 14.2.2 Deliver reflexology treatment in a manner that ensures each patron's health and safety.
- 14.2.3 Comply with the requirements of these Regulations.

14.3 Reflexologist prohibited acts

- 14.3.1 Reflexologists are required to comply with all applicable Sections of these Regulations, including **Section 3**, which covers prohibited acts for both massage therapists and reflexologists.
- 14.3.2 Reflexologists are not permitted to use mechanical devices in performing reflexology.
- 14.3.3 A reflexologist may not diagnose or treat for specific diseases, practice spinal or other joint manipulations, prescribe or adjust medication, or prescribe or administer vitamins.

14.4 Hygiene and dress during reflexology treatment

Reflexologists shall:

- 14.4.1 Wear clean, opaque outer garments, which do not expose any of the reflexologist's restricted anatomical areas and which provide a professional appearance. An example is a uniform similar in nature and appearance to medical scrubs.
- 14.4.2 Cleanse their own hands using a lavatory with soap and hot water before and after each patron's treatment.
- 14.4.3 Not conduct treatment on broken or inflamed skin of a patron.

14.5 Maintenance and clean up of the reflexology treatment area

- 14.5.1 All areas and equipment used in the reflexology establishment, shall be maintained as indicated in **Sections 4 and 5** of these Regulations.
- 14.5.2 All used linens, towels, and face covers shall be removed and placed in designated containers for laundering.
- 14.5.3 All single-use items shall be disposed in a solid waste receptacle.

14.6 Outcall reflexology treatment services

- 14.6.1 Outcall reflexology treatments may be provided as long as the reflexologist complies with the requirements of **Section 13**, to the extent each requirement is applicable to the scope of the performance of reflexology therapy. The requirements include:
 - 14.6.1.1 Storage and maintenance of reflexology equipment,
 - 14.6.1.2 Packing and transport of reflexology equipment to outcall site of service,
 - 14.6.1.3 Set up of reflexology equipment at the site of service,
 - 14.6.1.4 Reflexology operations,
 - 14.6.1.5 Clean up following provision of reflexology treatment,
 - 14.6.1.6 Packing and transport of reflexology equipment back to base of operation or storage area
 - 14.6.1.7 Record keeping of reflexology treatments.

14.7 Record keeping

On an ongoing basis, the responsible person, reflexologist, or an employee shall maintain:

- 14.7.1 Documentation for each session of reflexology treatment, including name and contact information of the patron, and the date of service. This includes any outcall reflexology services provided.
- 14.7.2 Documentation of parent or guardian consent for reflexology treatment, if the patron is a minor.
- 14.7.3 Documentation generated by the reflexology establishment or reflexology outcall business shall be maintained for at least one (1) year, on a rotating twelve (12)-month schedule, on site and accessible to the Health Authority for review upon request.

Section 15

MISCELLANEOUS

15.1 Severability clause

Should any section, paragraph, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations shall not be affected.

15.2 Effective date

15.2.1 These Regulations were adopted at a duly noticed public hearing <date>.

15.2.2 These Regulations became effective upon approval by the Nevada State Board of Health.