Chapter 687

1957 REPLACEMENT PART

(1963 reprint)

Masseurs and Massage Businesses

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687.010 [Repealed by 1955 c.492 §15]

687.011 Definitions. As used in this chapter:

(1) "Board" means the State Board of Health.

(2) "Massage" means pressure on, friction against, stroking and kneading the body by manual or mechanical means, and gymnastics, with or without appliances such as vibrators, infrared heat, sun lamps and external baths for the purpose of maintaining good health and establishing and maintaining good physical condition.

(3) "Massage business" means the operation of an establishment where massage is given.

(4) "Practice of massage" means the performance of massage for compensation, either as the owner of or as an employe in a massage business.
[1955 c.492 §1]

687.020 [Repealed by 1955 c.492 §15]

687.021 Conduct of massage business or practice of massage without license prohibited. (1) No person shall conduct a massage business without a massage business license from the State Board of Health under ORS 687.051.

(2) No person shall engage in or hold himself out as engaged in the practice of massage in this state without a masseur's license issued under ORS 687.051.
[1955 c.492 §2]

687.030 [Amended by 1953 c.438 §2; repealed by 1955 c.492 §15]

687.031 Exemptions. This chapter does not apply to:

(1) Persons licensed under any other law of this state to do any acts included in the definition of massage in ORS 687.011 or persons working under the direction of any such person.

(2) Trainers of any amateur, semiprofessional or professional athlete or athletic team.

(3) Massage practiced at any bona fide athletic club or at any athletic department of any bona fide fraternal organization.

(4) Massage practiced at the athletic department of any institution maintained by public funds of the state or of any of its political subdivisions.

(5) Massage practiced at the athletic department of any school or college.
[1955 c.492 §12]

687.040 [Repealed by 1955 c.492 §15]

687.041 Applications for licenses. Applications for a massage business license or a masseur's license shall be made to the board on forms provided by the board and shall be accompanied by the application fee provided for in ORS 687.071.
[1955 c.492 §3; 1957 c.166 §1]

687.050 [Repealed by 1955 c.492 §15]

687.051 Qualifications of applicants. (1) The board shall issue a massage business license to any applicant:

(a) Who is a citizen of, or who has filed his declaration of intention to become a citizen of, the United States, provided, however, that any alien holding a massage business license or a masseur's license who fails to obtain final papers of citizenship within seven years from the date of filing his declaration to become a citizen shall forfeit his license and shall be ineligible for further licensure until citizenship is established;

(b) Who has furnished the board satisfactory proof of his good character and health; and

(c) Whose massage business premises and facilities comply with the standards of the board established under ORS 687.121 as determined by inspection by a representative of the board.

(2) The board shall issue a masseur's license to any applicant who meets the requirements of paragraphs (a) and (b) of subsection (1) of this section and who also has passed a written and oral examination prepared and conducted by the board establishing his competency and ability to engage in the practice of massage. The examination shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene and manual and mechanical massage.
[1955 c.492 §4; 1957 c.166 §2]

687.060 [Repealed by 1955 c.492 §15]

687.061 Expiration and renewal of license. All licenses issued under ORS 687.051 shall expire on December 31 of the calendar year for which they are issued and may be renewed annually on or before December 31 of such year on application to the board and payment of the renewal fee. However, any licenses issued in the calendar year 1955 shall not expire until December 31, 1956.
[1955 c.492 §5]

687.070 [Repealed by 1955 c.492 §15]

687.071 Fees; examinations; disposition and use of moneys. (1) The fee for application for or renewal of a:

(a) Massage business license issued under subsection (1) of ORS 687.051 is $25.

(b) Masseur's license issued under subsection (2) of ORS 687.051 is $10.

If an application for or renewal of either of the licenses under paragraph (a) or (b) of this subsection is refused the fee shall be refunded.

(2) The board shall examine or reexamine any applicant for a masseur's license who pays a fee of $10 for each examination and who meets the requirements of paragraphs (a) and (b) of subsection (1) of ORS 687.051. The examination fee shall not be refunded, whether or not the person passes the examination.

(3) All moneys received by the board under this chapter shall be paid into the General Fund in the State Treasury and credited to the State Board of Health Account and such moneys hereby are appropriated continuously to the State Board of Health and shall be used only for the purpose of carrying out the provisions of this chapter.

[1955 c.492 §6; 1957 c.166 §3]

687.080 [Repealed by 1955 c.492 §15]

687.081 Grounds for denial, suspension or revocation of license. The board may deny renewal of any license issued under ORS 687.051 or suspend or revoke any such license if the licensee:

(1) Has violated any provision of this chapter or any rule or regulation of the board adopted under ORS 687.121.

(2) Has made any false representation or statement to the board in order to induce or prevent action by the board.

(3) Is incompetent or physically unable to carry on the management of his massage business or the practice of massage.

(4) Is habitually intemperate in the use of alcoholic liquor or is addicted to the use of habit forming drugs.

(5) Has misrepresented to any patron any services rendered.

(6) Has been convicted of a crime involving moral turpitude.

[1955 c.492 §9]

687.090 [Repealed by 1955 c.492 §15]

687.091 Notice and hearing on denial, suspension or revocation. (1) No license shall be denied, suspended or revoked by the board without first mailing, by registered mail, notice to the applicant or licensee setting forth the reasons for the action of the board and informing the applicant or licensee that he may, within 30 days after the date of mailing, demand a hearing on the denial, suspension or revocation.

(2) A denial, suspension or revocation shall become effective 30 days after the mailing of notice under subsection (1) of this section unless the applicant or licensee requests a hearing.

[1955 c.492 §10]

687.100 [Repealed by 1955 c.492 §15]

687.101 Procedure for hearings and appeals. The procedure for and disposition of hearings authorized under ORS 687.091, and appeals therefrom, shall in all respects be governed and regulated in the same manner as is provided in respect to the hearings and appeals provided for in ORS 441.035 to 441.045 by those sections and the rules and regulations made in pursuance thereof.

[1955 c.492 §11]

687.110 [Repealed by 1955 c.492 §15]

687.111 Inspections; reports. The board or any of its authorized representatives may, at any time and at least once each year, visit and inspect the premises of each massage business in order to ascertain whether it is conducted in compliance with law, including the provisions of this chapter and the rules and regulations of the board adopted under subsection (1) of ORS 687.121. The operator of every massage business shall furnish to the board such reports and information as the board may require.

[1955 c.492 §8]

687.120 [Repealed by 1955 c.492 §15]

687.121 Rules and regulations. The board may adopt rules and regulations:

(1) Establishing reasonable standards concerning the sanitary, hygienic and healthful conditions of premises and facilities used by persons engaged in the massage business and of the conduct and operation of massage businesses.

(2) Relating to the methods and procedures used in the practice of massage.

(3) Governing the examination of applicants for either of the licenses issued under ORS 687.051 and the issuance, renewal, suspension and revocation of such licenses.

[1955 c.492 §7]

687.130 [Repealed by 1955 c.492 §15]

687.140 [Repealed by 1955 c.492 §15]

687.150 [Repealed by 1955 c.492 §15]

687.160 [Repealed by 1955 c.492 §15]

687.170 [Repealed by 1955 c.492 §15]

687.180 [Repealed by 1955 c.492 §15]

687.190 [Repealed by 1955 c.492 §15]

687.200 [Repealed by 1955 c.492 §15]

687.210 [Repealed by 1955 c.492 §15]

687.220 [Repealed by 1955 c.492 §15]

687.230 [Repealed by 1955 c.492 §15]

687.240 [Repealed by 1955 c.492 §15]

687.250 to 687.980 [Reserved for expansion]

687.990 [Repealed by 1955 c.492 §15]

687.991 Penalties. Violation of ORS 687.021 or of any rule or regulation adopted under ORS 687.121 is a misdemeanor. [1955 c.492 §14]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel