

Original sponsor: Bowman

Offered: 3/7/74
Referred: Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of masseurs and
7 massage businesses."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.48 is amended by adding a new section to read:

10 Sec. 29.48.031. MASSEURS AND MASSAGE BUSINESSES. (a) A munici-
11 pality exercising police powers under sec. 30(a)(7) of this chapter may,
12 if approved by a majority of the qualified voters residing in the muni-
13 pality and voting on the question, provide for the licensing and opera-
14 tion of masseurs and massage businesses within the municipality.

15 (b) A municipality electing to allow the operation of massage
16 businesses within its boundaries shall by ordinance provide regulations
17 (1) establishing reasonable standards concerning the sanitary,
18 hygienic and healthful conditions of premises and facilities used by
19 persons engaged in the massage business and of the operation of massage
20 businesses,

21 (2) relating to the methods and procedures used in the
22 practice of massage, and the services offered by massage businesses,

23 (3) governing the examination of applicants for massage
24 business licenses and masseur's licenses, and the issuance, renewal,
25 suspension and revocation of licenses.

26 (c) In this section

27 (1) "massage" means pressure on, friction against, stroking
28 and kneading the body by manual or mechanical means, and gymnastics,
29 with or without appliances such as vibrators, infrared heat, sun lamps

1 and external baths for the purpose of maintaining good health and establish-
2 ing and maintaining good physical condition;

3 (2) "massage business" means the operation of an establish-
4 ment where massage is given;

5 (3) "masseur" means a male or female person who is engaged
6 in the practice of massage;

7 (4) "practice of massage" means the performance of massage
8 for compensation, either as the owner or as an employee in a massage
9 business.

10 * Sec. 2. AS 11.40 is amended by adding a new section to read:

11 Sec. 11.40.560. MESSAGE AND MESSAGE BUSINESSES. (a) A person
12 who engages in the practice of massage for compensation or operates a
13 massage business in this state is guilty of a misdemeanor and upon
14 conviction is punishable by a fine of not more than \$1,000, or by
15 imprisonment for not more than one year, or both.

16 (b) This section does not apply to:

17 (1) a person licensed under AS 29.48.031 or under another
18 law of this state to do any acts included in the definition of massage
19 under AS 29.48.031(c) or persons working under the direction of that
20 person;

21 (2) a trainer of an amateur, semiprofessional or professional
22 athlete or athletic team;

23 (3) massage practiced at a bona fide athletic club or at an
24 athletic department of a bona fide fraternal organization;

25 (4) massage practiced at the athletic department of an
26 institution maintained by public funds of the state or any of its poli-
27 tical subdivisions;

28 (5) massage practiced at the athletic department of a school,
29 college or university.

1 * Sec. 3. AS 11.40.220 is amended to read:

2 Sec. 11.40.220. PROHIBITION AGAINST PROSTITUTION. It is unlawful
3 to engage in prostitution in the state except as permitted by local
4 ordinance under AS 29.48.031.

5 * Sec. 4. AS 11.40.230 is amended to read:

6 Sec. 11.40.230. PROHIBITION AGAINST SOLICITING OR PROCURING FOR
7 PURPOSE OF PROSTITUTION. No person may [IT IS UNLAWFUL] within the
8 state [TO] procure or [TO] solicit, or [TO] offer to procure or solicit
9 for the purpose of unlawful prostitution.

10 * Sec. 5. AS 11.40.240 is amended to read:

11 Sec. 11.40.240. PROHIBITION AGAINST RECEIVING PERSONS FOR PUR-
12 POSES OF PROSTITUTION. No female may [IT IS UNLAWFUL FOR A FEMALE TO]
13 knowingly receive or [TO] offer or agree to receive a person into a
14 place, structure, building, boat, automobile, trailer, or other vehicle,
15 for the purpose of unlawful prostitution, or [TO] permit a person to
16 remain there for that purpose.

17 * Sec. 6. AS 11.40.260 is amended to read:

18 Sec. 11.40.260. KEEPING BAWDYHOUSE. A person who keeps or sets
19 up a house of ill fame, brothel, or bawdyhouse for the purpose of
20 unlawful prostitution, fornication, or lewdness, upon conviction, is
21 punishable by imprisonment in a jail for not less than three months nor
22 more than one year, or by a fine of not less than \$100 nor more than
23 \$500.

24 * Sec. 7. AS 11.40.300 is amended to read:

25 Sec. 11.40.300. EMPLOYMENT IN HOUSE OF PROSTITUTION OR LIVING ON
26 EARNINGS OF PROSTITUTE. A male person who acts as an employee or ser-
27 vant in and about a room, house, or place of unlawful prostitution, or
28 who engages or assists in operating or managing a room, house or
29 building for the purpose of carrying on unlawful prostitution, or a male

1 or female person who knowingly lives on, or is supported in whole or in
2 part by the money or other valuable consideration realized, procured
3 or earned by a female person through the unlawful prostitution of any
4 other female person is guilty of a felony, and upon conviction, is
5 punishable by imprisonment in the penitentiary for not less than two
6 years nor more than five years.