Chapter 5-35

MASSAGE ESTABLISHMENT LICENSING

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5-35-01 TITLE

This chapter shall be known as the Massage Establishment Licensing ordinance.

5-35-02 DEFINITIONS

For the purposes of this chapter, the following terms, phrases, words, and derivations thereof shall have the meanings given herein. When not inconsistent with the context, words in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. Words used in this chapter but not defined herein shall have their plain, ordinary, and common meaning.

A. **Applicant**
Every owner and every manager of a massage establishment whose name is required to appear on an application for a Boise City massage establishment license.

B. **Application**
The document completed and submitted by an applicant for a Boise City massage establishment license, including all required supporting information and documentation.

C. **City Clerk**
The Boise City Clerk, or a designee of the Boise City Clerk.

D. **Client**
A person who receives a massage, massage therapy, or any other service within a massage establishment.

E. **Employee**

Any person employed by a massage establishment who is not an owner, a manager, or a massage therapist.

F. **Licensing Officer**

The Boise City Clerk, a Licensing Enforcement Specialist, a sworn Peace Officer, or a designee of the Boise City Clerk or Licensing Enforcement Specialist.

G. **Manager**

1. Any person who oversees or directs any element or aspect of the operation of a massage establishment.

2. Evidence that a person is a manager may include, but is not limited to, indicia that the person has power or authority to:
   a. Hire, fire, or discipline the massage establishment's employees or massage therapists; or
   b. Set or control the massage establishment's hours of operation; or
   c. Create rules or policies applicable to the massage establishment's operation, or its employees or massage therapists; or
   d. Spend money on behalf of the massage establishment.

3. A manager may be:
   a. The owner of a massage establishment; or
   b. An employee of a massage establishment; or
   c. A massage therapist.

H. **Massage Therapy (Massage or Practice of Massage Therapy)**

The practice of massage therapy (massage) is as defined in Title 54, Chapter 40, Idaho Code. By way of illustration, the definition includes any method of manual manipulation of, pressure on, or friction against the external part of the body of another by rubbing, stroking, kneading, slapping, pounding, tapping, vibrating, or other stimulation with the hands or other body parts or with the aid of mechanical or electrical devices, with or without supplementary aids such as oils, rubbing alcohol, liniments, antiseptics, powders, creams, lotions, ointments, or other similar preparations commonly used in the practice of massage. For purposes of this chapter, the terms "massage" and "massage therapy" are included in this definition and may be used interchangeably.

I. **Massage Establishment**

1. A fixed place of business of two (2) or more individuals or of a partnership, firm, association, corporation, or business entity, or any other combination of individuals, which:
   a. Uses the word "massage" in any solicitation or advertisement; or
   b. Engages in, conducts, carries on, or permits massage or massage therapy to be conducted or carried on, for money or other consideration.

2. That portion of a premise operated as above in which massage or massage therapy is ancillary to the primary business.

J. **Massage Therapist**
As defined in Idaho Code section 54-4002.

K. **Owner**
A person having any ownership interest in a massage establishment, including, but not limited to, an officer, director, manager, or partner of a corporation, a partnership, or any other business entity, formation, or relationship.

5-35-03 LICENSES REQUIRED; EXEMPTIONS

A. No owner or manager of a massage establishment shall permit or allow any person to engage in, or attempt to engage in, the practice of massage therapy within a massage establishment unless the massage establishment:

1. Possesses a valid Boise City massage establishment license, or

2. Is exempted by Boise City Code from the massage establishment license requirement.

B. Exemptions.
The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Idaho;

2. Public and private secondary schools or accredited colleges and universities eligible to disburse federal financial aid, and the athletic programs of such schools, colleges, and universities;

3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by professional sports franchises. Where a sports venue shares a structure with another business or businesses, such as a hotel or motel, this exemption shall not apply to the other existing business/businesses within the structure where massage or massage therapy may take place;

4. The business locations of persons currently certified or licensed in or by the state of Idaho in medicine, surgery, osteopathy, physical therapy, chiropractic, podiatry, nursing, or kinesiology;

5. The business locations in which barbers and cosmetologists, currently licensed by the state of Idaho, practice massage limited to the neck, face, scalp, hair, hands, or feet, when such massage is conducted in conjunction with a cosmetic service such as a haircut or styling, shave, manicure, or pedicure.

6. A massage establishment in which only one (1) massage therapist is employed or practices massage or massage therapy. Any massage establishment having two (2) or more massage therapists employed or practicing massage or massage therapy shall not qualify for this exemption.

5-35-04 LICENSE TERM AND EXPIRATION, APPLICATION, AND RENEWAL

A. Every massage establishment license shall be valid for a period of one (1) year from the date of issuance, unless suspended, revoked, or surrendered prior to expiration.

B. Every application for a new or renewed massage establishment license shall be:
   1. Made upon the form provided by the City Clerk; and

   2. Filed with the City Clerk; and

   3. Accompanied by the required non-refundable fee listed on the City Clerk's Fee Schedule; and

   4. Complete; and

   5. Signed by every person who is an owner or manager of a massage establishment.

C. Every application for a new or renewed massage establishment license shall include:
   1. The business name, location, and mailing address of the massage establishment; and

   2. A copy of the occupancy permit for the building in which the massage establishment will operate; and

   3. The following information and documents for every owner and manager of the massage establishment:
      a. Full name and all aliases; and
      b. Residential address; and
      c. Telephone number; and
      d. Social Security Number; and
      e. Date of birth; and
      f. Vital information (height, weight, hair color, eye color, and sex); and
      g. A photograph, taken by a Licensing Officer; and
      h. A photocopy of valid state-issued photo identification; and
      i. Employment history, for the five (5) years preceding the application date; and
      j. Authorization to perform a background investigation and criminal history check; and
      k. A complete list of all criminal judgments, notwithstanding the form of judgment and including withheld judgments, deferred judgments, and

bond forfeitures, against every owner and manager for any offense other than traffic infractions for the five (5) years preceding the application date. The City Clerk may require additional information, including, but not limited to, the date, place, and nature of the crime that resulted in the judgment.

4. A photocopy of the massage therapist license issued by the State of Idaho for every person who performs or will perform massage or massage therapy in the massage establishment during the term of the massage establishment license.

5. All other information deemed reasonably necessary by the City Clerk.

5-35-05 LICENSE QUALIFICATIONS AND RESPONSIBILITIES

A. No massage establishment license shall be issued to any applicant if any person required to be on the application:

1. Is under the age of eighteen (18) years; or

2. Is not the bona fide owner or lessee of the premises within which the massage establishment is to be operated; or

3. Within the five (5) years preceding the date of application, pleaded guilty to or was found guilty of any felony, regardless of the form of judgment; or

4. Within the five (5) years preceding the date of application, pleaded guilty to or was found guilty of any misdemeanor criminal violation, regardless of the form of judgment, which involved:
   a. The use or threat of force or violence against the person or property of another, or
   b. Harassment, stalking, or the violation of a no contact order or protection order, or
   c. Prostitution or illicit sexual conduct, or
   d. Theft, larceny, or other dishonest act or omission, or
   e. The use, possession, or sale of illicit drugs or drug paraphernalia.

5. Has, at the time of application, an outstanding warrant for their arrest, detainment, extradition, or deportation; or

6. Was denied a similar license by Boise City or by any other governmental entity, or had a similar license suspended or revoked within the five (5) years preceding the date of application.

B. The City Clerk shall not issue a massage establishment license to any applicant if it is determined that the application included any false, misleading, or fraudulent information.

C. A massage establishment shall not be issued a license, and an existing license shall be

revoked pursuant to the revocation authority set forth in this chapter, if the operation of the massage establishment is found to violate any existing law, ordinance, or regulation, including, but not limited to, building, zoning, and health regulations. Issuance of a massage establishment license does not exempt any person from obedience to any other law, ordinance, or regulation.

D. Every owner and manager shall have an affirmative continuing duty to notify the City Clerk in writing within two (2) business days of any change to the information provided on their license application.

E. Every massage establishment, and every owner and manager listed on the license application, shall continue to have and maintain all of the qualifications and none of the disqualifications provided in this chapter throughout the license period.

(Ord-38-15, Amended, 8/25/2015)

5-35-06 LICENSE DENIAL, REVOCATION, AND SUSPENSION

A. License Denial

1. In the event the City Clerk determines that an applicant fails to qualify for a Boise City massage establishment license, the City Clerk shall deny that applicant a license.

2. Notice of a denial shall be deemed properly served if sent by United States Postal Service Certified Mail to the address provided by the applicant or if hand-served upon the applicant. An applicant's failure to accept, acknowledge, or receive notification of a denial shall not invalidate the denial, provided notice was served as prescribed by this section.

3. Notice of a license denial shall include the grounds upon which the revocation is based, and shall include a statement that informs the applicant of their right to appeal the denial.

4. A license issued in error, upon discovery by or notice to the City Clerk, shall be deemed denied and shall be null, void, and invalid effective at the earlier of:
   a. Immediately upon service of the notice of denial, if the required notice is hand-served upon the applicant/licensee; or
   b. Twelve o'clock (12:00) a.m. on the third (3rd) day following the date written notice of the denial is sent to the applicant/licensee.

   The applicant/licensee shall have the right to appeal the denial, as set forth in this chapter.

B. License Revocation

1. A licensee who pleads guilty to, is found guilty of, is convicted of, receives a withheld judgment for, or is sentenced for a violation of this chapter shall have the license(s) governed by this chapter held by that licensee revoked and be ineligible for reapplication, reinstatement, or issuance of any license governed by

this chapter for a period of five (5) years.

2. If the City Clerk determines that a licensee failed to continue to have and maintain all of the qualifications and none of the disqualifications provided in this chapter throughout the license period, the City Clerk shall revoke the affected license(s) governed by this chapter held by that licensee.

3. If the City Clerk determines that an application for a license included fraud, misrepresentation, or any false statement, the City Clerk shall revoke all licenses governed by this chapter held by that licensee.

4. If the City Clerk determines that the license issued is being or has been exercised contrary to the terms or conditions of such license, or in violation of any law, the City Clerk shall revoke the affected license(s) governed by this chapter held by the licensee.

5. A third (3rd) license suspension within three (3) years shall be deemed a revocation.

6. Every license revocation shall be effective at twelve o'clock (12:00) a.m. on the third (3rd) day following the date written notice is sent to the licensee.

7. Notice of a revocation shall be deemed properly served if sent by United States Postal Service Certified Mail to the address on file in the City Clerk's office that was provided by the applicant or licensee, or if hand-served upon the licensee. A licensee's failure to accept, acknowledge, or receive notification of a revocation shall not invalidate the revocation, provided notice was served as required in this section.

8. Notice of a revocation shall include the grounds upon which the revocation is based, and shall include a statement that informs the licensee of their right to appeal the revocation.

C. License Suspension

1. Every licensee who violates any provision of the Idaho Code or the Boise City Code, in addition to the criminal or civil penalties prescribed by law for such violation, shall have their massage establishment license(s) suspended for a period not to exceed one hundred eighty (180) days.

2. If a Licensing Officer determines that the activity, use, or privilege conducted pursuant to the license is being, or has been, exercised so as to pose an imminent threat to the public health, safety, or welfare, the City Clerk shall suspend the affected license(s) governed by this chapter held by the licensee, even though no criminal violation or infraction is filed or charged.

3. Every license suspension shall be effective at twelve o'clock (12:00) a.m. on the

third (3rd) day following the date written notice of the suspension is sent to the licensee.

4. Notice of a suspension shall be deemed properly served if sent by United States Postal Service Certified Mail to the address that was provided by the applicant or licensee, or if hand-served upon the licensee. A licensee's failure to accept, acknowledge, or receive notification of a suspension shall not invalidate the suspension, provided notice was served as required by this section.

5. Notice of a suspension shall include the grounds upon which the suspension is based, and shall include a statement that informs the licensee of their right to appeal the suspension.

5-35-07 RIGHT OF APPEAL

A. Every applicant who, upon application, is denied a license governed by this chapter, or who has a license governed by this chapter suspended or revoked, shall have a right of appeal. Unless otherwise expressly provided herein, appeal procedures shall follow those set forth in Title 5, Chapter 2, Boise City Code.

B. Appeal of License Denial

1. An applicant whose application for a massage establishment license was denied shall have ten (10) business days from the date the denial notice was mailed to appeal the denial.

2. Appeal shall be made by filing a written notice of appeal with the City Clerk, and paying a cash appeal bond of two hundred fifty dollars ($250.00).

3. In the event the denial is affirmed or the applicant fails to prosecute the appeal, either by failing to appear at the time and place for hearing or by lack of diligence in arranging the presentation of information supporting the appeal, the cash bond shall be forfeited to Boise City. An applicant's failure to prosecute the appeal shall result in forfeiture of the appeal, and the hearing officer shall lack jurisdiction to renew the appeal.

4. If the denial is reversed on appeal, the cash bond shall be refunded to the applicant.

C. Appeal of License Revocation

1. A licensee whose license is revoked pursuant to this section shall have ten (10) business days from the date the denial notice was mailed to appeal the revocation.

2. Appeal shall be made by filing a written notice of appeal with the City Clerk, and paying a cash appeal bond of two hundred fifty dollars ($250.00).

3. Upon receipt of a written appeal, the revocation being appealed shall be stayed

pending a ruling by the Hearing Examiner. In the event the revocation is affirmed, the revocation shall be effective at twelve o'clock (12:00) a.m. on the day immediately following issuance of the Hearing Examiner's ruling.

4. In the event the revocation is affirmed or the applicant fails to prosecute the appeal, either by failing to appear at the time and place for hearing or by lack of diligence in arranging the presentation of information supporting the appeal, the cash bond shall be forfeited to Boise City. An applicant's failure to prosecute the appeal shall result in forfeiture of the appeal, and the hearing officer shall lack jurisdiction to renew the appeal.

5. If the revocation is reversed on appeal, the cash bond shall be refunded to the applicant.

D. Appeal of License Suspension

1. A licensee whose license is suspended pursuant to this section shall have ten (10) business days from the date the denial notice was mailed to appeal the suspension.

2. Appeal shall be made by filing a written notice of appeal with the City Clerk, and paying a cash appeal bond of two hundred fifty dollars ($250.00).

3. Upon receipt of a written appeal, the suspension being appealed shall be stayed pending a ruling by the Hearing Examiner. In the event the suspension is affirmed, the suspension shall commence at twelve o'clock (12:00) a.m. on the day immediately following issuance of the Hearing Examiner's ruling.

4. In the event the suspension is affirmed or the applicant fails to prosecute the appeal, either by failing to appear at the time and place for hearing or by lack of diligence in arranging the presentation of information supporting the appeal, the cash bond shall be forfeited to Boise City. An applicant's failure to prosecute the appeal shall result in forfeiture of the appeal, and the hearing officer shall lack jurisdiction to renew the appeal.

5. If the suspension is reversed on appeal, the cash bond shall be refunded to the applicant.

5-35-08 OPERATING AND SANITARY REQUIREMENTS

A. Every massage establishment shall be constructed, operated, and maintained in compliance with the following minimum standards and requirements:

1. Physical Facilities

a. All massage therapy in a massage establishment shall be in a room, cubicle, or area dedicated to that purpose.

b. Steam rooms, shower compartments, steam compartments, tub compartments, toilet rooms, and adjacent exit areas shall have smooth, nonabsorbent, and easily cleanable floors and walls.

c. Floors of wet and dry heat rooms shall be adequately sloped to one or more floor drains properly connected to an approved sewer system, except that dry heat rooms with wooden floors need not be provided with sloped floors and floor drains.

d. A source of water, compliant with the Uniform Plumbing Code (as adopted and as amended by Title 4, Boise City Code), shall be available within the immediate area of the dry and wet heat rooms to facilitate cleaning.

e. The premises shall be equipped with facilities and equipment for disinfecting or sanitizing non-disposable instruments and materials used to administer massages.

f. Massage tables, exercise tables, and benches shall have easily cleanable upholstery or other approved material covering the entire surface that may come into contact with a client during a massage.

g. Pools, tubs, and similar equipment designed for multiple use without the water being changed, shall comply with Boise City Code Title 9, Chapter 17, and all state and other applicable laws. The water contained in tubs, baths, and similar equipment designed for a single use shall be emptied after each use, thoroughly cleaned, and properly sanitized prior to the next use.

h. No massage establishment shall be used as a shelter or living quarters for any person. No owner or manager shall allow a licensed massage establishment to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). The owner and family members of a massage establishment operated as a home occupation, as defined by Boise City Code Title 11, are exempt from this prohibition. If a massage establishment is located within, but is ancillary to, a business such as a hotel or motel, this prohibition shall apply only to the areas designed, designated, or used as a massage establishment.

i. Restroom and toilet facilities shall be provided in a convenient location separate from a room in which massage is performed, to provide privacy.

j. Each hand-washing facility shall include hot and cold running water, soap or detergent, and sanitary single service towels or an air hand dryer. A common towel shall not be provided or used for hand drying.

k. No room, cubicle, or area that is designed to accommodate the practice of massage or massage therapy shall have a door that is equipped with a locking mechanism.

2. Cleaning and Maintenance

a. Every appliance, exercise table, and every other piece of equipment, furniture, or apparatus within a massage establishment shall be kept clean, in good repair, and maintained in a sanitary condition.

b. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet facilities and rooms shall be thoroughly cleaned after each day the establishment is in operation.

c. Every massage establishment shall provide clients with clean, sanitized

sheets, towels, or other linens. No common use of sheets, towels, or other linens shall be permitted.

d. Every instrument, apparatus, equipment, or appliance designed to be reused shall be sanitized or disinfected after each use.

3. Managers, Massage Therapists, and Employees

a. Every manager, massage therapist, and employee shall maintain a high degree of personal hygiene by wearing clean clothes, and conduct the business and operations of the massage establishment in a sanitary and hygienic manner.

b. Every massage therapist shall wash their hands thoroughly after going to the bathroom, smoking, or eating, and before and after administering a massage or treatment on each client, and as often as necessary to remove soil and contamination during a massage therapy or treatment session.

c. No massage therapist shall administer a massage or give treatment if he or she knows, or should know, that he or she has any contagious or communicable disease.

4. Hours of Operation. Every massage establishment shall be closed for business between the hours of 10:00 p.m. and 7:00 a.m.

B. Required Records

1. Every massage establishment shall keep and maintain:

a. A book containing the names, dates of birth, and a legible photocopy of the Idaho massage license of every massage therapist employed by or contracting with the massage establishment; and

b. A menu of all services available at the massage establishment, including the price for each service, which shall be posted in plain view of clients.

c. A log including the date, time, and type of massage or massage therapy service performed, the amount of money or other payment received from the client, including the amount of tip or gratuity.

2. Every document and record required by this chapter shall be dated and kept at the massage establishment for a minimum period of one (1) year from the date of the last record contained therein, and on or off the premises for the period required by state law or the rules, code of ethics, or standards of practice of the Idaho State Board of Massage Therapy.

3. Every owner, manager, massage therapist, and employee shall immediately present the records required herein for inspection or review upon request of a Licensing Officer.

C. Insurance Required

1. Every owner shall possess a policy of insurance that provides liability coverage for all foreseeable risks that may arise from the operation of a massage establishment and from the practice of massage therapy.

2. Every massage therapist performing massage or massage therapy at the massage establishment shall be covered by the policy of insurance required by this chapter.

3. Every owner shall maintain, at the massage establishment, documentary proof of compliance with the insurance requirements contained in this chapter.

D. Inspections

1. A Licensing Officer may, at any time during business hours and as frequently as reasonably necessary to ensure compliance, inspect any massage establishment.

2. Every massage establishment shall obtain and receive every other inspection required by law, including, but not limited to, inspections performed by the Boise Fire Department, the Building Inspector, the Central District Health Department, and any other department or agency authorized to conduct a required inspection.

5-35-09 ILLEGAL ACTS

In addition to the illegal acts and omissions proscribed throughout this chapter, each of the following acts or omissions shall be unlawful:

A. Licenses Required

No owner or manager of a massage establishment shall permit or allow any person to engage in, or attempt to engage in, the practice of massage therapy within the massage establishment unless the massage establishment:

1. Possesses a valid Boise City massage establishment license, or

2. Is exempted by Boise City Code from the massage establishment license requirement.

B. Licenses - Generally

1. Every massage establishment license issued pursuant to this chapter shall remain the property of Boise City, and shall be surrendered to the City Clerk within seventy two (72) hours of suspension, revocation, or expiration, or immediately upon demand by a Licensing Officer.

2. No person shall have in their possession a massage establishment license issued pursuant to this chapter that has been denied, suspended or revoked, or that has expired.

3. No massage establishment license shall be transferred.

4. Every owner and manager shall notify the City Clerk in writing within two (2) business days upon the change of any of the information provided in the massage establishment license application submitted to the City Clerk.

5. Every applicant, massage therapist, manager, and owner shall continue to have and maintain all the qualifications, and none of the disqualifications, for licensure pursuant to this chapter.

6. Every applicant, massage therapist, manager, and owner shall notify the City Clerk within two (2) business days in the event any person whose name appears on an application for a massage establishment license loses any qualification or gains any disqualification for licensure pursuant to this chapter.

7. Every massage establishment license and state-issued massage therapist license shall be posted in the massage establishment at all times, and shall be in full and clear view of clients and potential clients.

8. Every owner, manager, and massage therapist, upon request of a Licensing Officer or any client, shall immediately present all required licenses for inspection.

9. No manager or owner shall employ or allow any person to perform massage or massage therapy in a massage establishment under their management or ownership, unless such person possesses a valid massage therapy license issued by the state of Idaho or is specifically exempted in state code from the requirement to possess a state massage therapist license.

10. No person with any license governed by this chapter that has expired or has been suspended or revoked shall engage in the practice of massage or massage therapy, or attempt to practice massage or massage therapy in a massage establishment.

11. No person shall include any false or misleading information on an application for a massage establishment license.

12. No person shall operate or run a massage establishment with a suspended or revoked license.

C. Massage Establishments - Construction, Operation, and Maintenance

1. Every massage establishment shall comply with the minimum operating and sanitary requirements of Boise City Code section 5-35-08.

2. No massage establishment shall operate or be open for business between the hours of 10:00 p.m. and 7:00 a.m.

3. The owner and manager of every massage establishment shall notify the City Clerk in writing within two business (2) days of every change in ownership or management of the massage establishment.

4. The owner and manager of every massage establishment shall notify the City Clerk in writing within two business (2) days of every change in massage

therapists employed by, or working at, the massage establishment, whether such change is by new or renewed employment, termination or discharge, transfer, or other employment change.

5. No person shall perform massage or massage therapy in any cubicle, room, or area equipped with a locking door.

6. No Living or Sleeping in Massage Establishment
   a. No person shall use a massage establishment as housing, living quarters, or sleeping quarters.
   b. No owner or manager shall permit or allow a massage establishment to be used as housing, living quarters, or sleeping quarters by any person.
   c. Home occupations, as defined in Boise City Code Title 11, are exempted from this prohibition.

D. Required Records
1. No owner, manager, massage therapist, or employee shall fail to keep the records required by this chapter.

2. No owner, manager, massage therapist, or employee shall refuse or fail to immediately present all records required to be kept by this chapter to a Licensing Officer upon request.

E. Inspections
1. Every massage establishment shall obtain and receive every inspection required by law, including, but not limited to, inspections performed by the Boise Fire Department, the Building Inspector, the Central District Health Department, and any other department or agency authorized to conduct a required inspection.

2. No owner, manager, massage therapist, or employee shall fail to immediately grant full massage establishment access to a Licensing Officer or any other person authorized or required by law to inspect the massage establishment.

F. Other Unlawful Practices
1. No owner, manager, massage therapist, or employee shall allow or permit any person under the age of eighteen (18) years to come into or remain in any massage establishment without parental approval.

2. No owner, manager, massage therapist, or employee shall sell, give, dispense, provide, or keep, or cause or permit to be sold, given, dispensed, provided, or kept, any alcoholic beverage or liquor within any massage establishment.

3. No owner, manager, massage therapist, or employee shall initiate or engage in any sexual contact or sexual act in any massage establishment.

4. No owner, manager, massage therapist, or employee shall keep, or allow to be

kept, within any massage establishment any item known as or commonly used as a marital or sexual aid, including, but not limited to, any contraceptive item or device, vaginal or anal lubricant, or any sex toy.

5. No owner, manager, massage therapist, or employee shall solicit, initiate, engage in, permit, or allow any act that violates Idaho Code sections 54-4001 et seq., the Rules of the Idaho State Board of Massage Therapy, or the code of ethics or standards of practice set forth in IDAPA 24.27.01 et seq.

5-35-10 VIOLATIONS AND PENALTIES

A. Violations.
Every violation of a provision of this chapter shall be a misdemeanor.

B. Misdemeanor Criminal Penalty.
Every misdemeanor violation of the provisions of this chapter shall be punishable by a fine not exceeding one thousand dollars ($1,000.00), imprisonment in the county jail not to exceed six (6) months, or both such fine and imprisonment

C. Administrative License Penalty.
In addition to the misdemeanor criminal penalties provided by this chapter, every person who violates any provision of this chapter shall be subject to the administrative license penalties of license denial, license revocation, or license suspension, as set forth herein.

5-35-11 SEVERABILITY

The provisions of this chapter are severable. Should any sentence, section, or other part of this chapter be held invalid, such invalidity shall not affect the remaining provisions of this chapter, which shall continue to remain in full force and effect.
(Ord 17-13 Repealed & Replaced 06/18/2013)