



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

**EXECUTIVE ORDER NO. 96-40**

**INTERIM REGULATIONS RELATIVE TO SANITARY  
OPERATIONS OF A THERAPEUTIC MASSAGE**

**WHEREAS**, §20105 of Title 10, Guam Code Annotated, authorizes the Director of the Department of Public Health and Social Services to adopt and promulgate rules and regulations as may be necessary in accordance with the Administrative Adjudication Act to carry out the provisions of Part 1, Division 2 - Environmental Health, Guam Health and Safety;

**WHEREAS**, on-call therapeutic massage service is a recognized growing industry worldwide;

**WHEREAS**, there is a significant demand by the tourist industry for this type of service;

**WHEREAS**, on-call therapeutic massage service is not unique to Guam, but is available worldwide;

**WHEREAS**, Guam's laws are silent on this type of service, generally falling under §27101 of Title 10, Guam Code Annotated, definition of cosmetic establishment;

**WHEREAS**, the potential for revenue loss to the Government of Guam as well as the private sector is significant;

**WHEREAS**, the hotels on Guam currently subscribe to this type of service;

**WHEREAS**, adoption of rules and regulations pursuant to the Administrative Adjudication Law will take several months;

**WHEREAS**, revenues vital to Guam tourism are being lost and therapeutic massage persons are unable to perform important aspects of their trade under the current state of the law;



**NOW, THEREFORE, I CARL T.C. GUTIERREZ,**  
Governor of Guam, by virtue of the authority vested in me by  
the Organic Act of Guam, do hereby order that:

1. The DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES INTERIM REGULATIONS RELATIVE TO SANITARY OPERATIONS OF A THERAPEUTIC MASSAGE, attached hereto as Exhibit A and incorporated herein by reference, are adopted and promulgated effective immediately as Interim Regulations, which shall remain in effect until the final rules and regulations are adopted pursuant to the Administrative Adjudication Law; and
2. The Department of Public Health and Social Services proceed to public hearing of the proposed rules and regulations as soon as possible.

**SIGNED AND PROMULGATED** at Agana, Guam this 24th  
day of December, 1996.

A handwritten signature in cursive script, appearing to read "Carl T.C. Gutierrez".

**CARL T.C. GUTIERREZ**  
Governor of Guam

**COUNTERSIGNED:**

A handwritten signature in cursive script, appearing to read "Madeleine Z. Bordallo".

**MADELEINE Z. BORDALLO**  
Lieutenant Governor of Guam

**INTERIM REGULATIONS RELATIVE TO THE SANITARY  
OPERATIONS OF A THERAPEUTIC MASSAGE**

**SECTION I**

**GENERAL PROVISIONS**

**1.1 Short Title**

These regulation shall be known and may be cited as the "Interim Therapeutic Massage Regulations."

**1.2 Authority**

Title 10, Guam Code Annotated, Chapter 21, Subsection 21102 authorizes the Director to establish rules and regulations to carry out the provisions of Chapter 27.

**1.3 Purpose**

The purpose of these regulations is to promote and to protect the public health, employees, clients, and others within therapeutic massage establishment.

**1.4 Definitions**

As used in this regulation:

- (a) Apprentice means a person approved by the Board to study therapeutic massage under the direct supervision of a licensed massage therapist.
- (b) Board means the Board of Allied Health Examiners.
- (c) Board-approved Massage School means a facility which meets minimum standards for training and curriculum as determined by rule of the Board and which is licensed by the Department of Education or the equivalent licensing authority of another state or is within the public school system of this territory.
- (d) Colonic Irrigation means a method of hydrotherapy used to cleanse the colon with the aid of a mechanical device and water.
- (e) Cosmetic Establishment means any premise or portions thereof, wherein any of the following is practiced for compensation:
  - (1) shaving, clipping, trimming or cutting human hair;
  - (2) singeing, shampooing, arranging, adorning,

dressing, curling, waving, permanent waving, tinting, applying tonic to or dyeing human hair.

- (3) giving facial, scalp, neck or body massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
  - (4) applying cosmetic preparations, antiseptics, powders, oils, clays, lotions or other preparations to scalp, face, neck or hands; or
  - (5) manicuring or pedicuring
- (f) Department means the Guam Department of Public Health and Social Services.
  - (g) Director means the Director of the Department, or his/her authorized representative.
  - (h) Employee shall mean any person who works in a Therapeutic Massage Establishment.
  - (i) Health Certificate means a written, non-transferable document issued by the Department giving a designated person, permission to work in a specified health regulated establishment after that person has met certain criteria for obtaining such a document as specified in separate regulations pertaining to health certificated.
  - (j) Licensure means the procedure by which a person, hereinafter referred to as a "practitioner", applies to the board for approval to practice therapeutic massage.
  - (k) Massage Therapy means the manipulation of the superficial tissues of the human body by a Massage Therapist licensed by the Board with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.
  - (l) Massage Therapist means a person licensed as required by this regulation, who practices therapeutic massage for compensation.
  - (m) Outcall or On-site Massage means massage performed at the location of the client.
  - (n) Owner, Operator, Manager shall mean any person having control of the establishment and/or of the persons working or employed therein.

- (o) Sanitary Permit shall mean a written document issued by the Department giving a designated person permission to operate a massage therapy clinic.
- (p) Therapeutic Massage Establishment or Establishment means premises intended, occupied and used for the purpose of practicing therapeutic massage.

**SECTION II  
SANITARY PERMITS**

**2.1 Requirements to Obtain and Apply for a Sanitary Permit**

- (a) No person shall directly or indirectly in any manner conduct, control, manage, maintain, or operate a therapeutic massage establishment unless a valid sanitary permit, issued by the Department, to operate such a facility has been obtained and properly posted.
- (b) An application for a Sanitary permit to operate any new or existing therapeutic massage establishment shall be made in writing on a form prescribed by the Director, signed by the applicant or his/her authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the applicable provisions of these regulations.
- (c) Before the application for a sanitary permit shall be approved, the Director shall verify that the establishment meets the minimum sanitary requirements and standards of these regulations. This shall include the right of entry, inspection, and investigation.
- (d) Before a pre-opening inspection is conducted, copies of business license documents and plans and specifications shall be submitted to the Director, which shall include:
  - i. The location of the proposed facility (location map) on a sheet measuring 8 1/2 inches x 11 inches, including the street names, building numbers, and easily identifiable landmarks;
  - ii. A copy of the business license; and
  - iii. A floor plan on sheet measuring 11 x 17 inches showing:
    - a) the dimensions of the proposed establishment;
    - b) the location, number and type of plumbing fixtures including all water supply fixtures

and toilet fixtures, and

- c) general layout of water supply lines, wastewater lines or methods of wastewater disposal, and other fixtures and equipment.
- (e) If upon inspection the Director is satisfied that the massage therapy establishment meets the minimum requirements of these regulations or standards as the Director may prescribe, a non-transferable sanitary permit designating the type and location by physical address and lot number of establishment shall be issued.
- (f) If the application or renewal inspection indicates that the establishment does not meet the minimum sanitary requirements and standards, the sanitary permit shall be denied or terminated.
- (g) All sanitary permits shall be issued for a maximum period of no more than 12 months and renewed on June 30 of each year. An application for a new or renewal of a sanitary permit shall be filed at least 15 days before a new establishment intends to open, or before a current sanitary permit expires.
- (h) Failure to comply with any regulation or standard listed below shall be reason to deny issuance of a sanitary permit. The same shall also be reason or cause to suspend or revoke a current permit:
  - i. Locking of doors (Section III)
  - ii. Employees working who have a contagious disease. (Section IV)
  - iii. Employees working who do not have a valid Health Certificate (Section V, 5.1 (a) & (b))
  - iv. Unapproved or inadequate water supply or plumbing (Section VI, 6.1 (b) & (c), & 6.5)
  - v. Denying access to inspectors.
  - vi. Receiving a demerit score of more than 40 (Section VIII, 8.4)
  - vii. Repeating a violation assigned 2,4 or 6 demerit points (Section VIII, 8.4)
- (i) Any person or establishment denied a sanitary permit, or whose sanitary permit has been revoked may appeal the Director's action in accordance with the provisions of the Administrative Adjudication Law.

**SECTION III  
PUBLIC ACCESS**

**3.1 General**

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

**SECTION IV  
DISEASE CONTROL**

**4.1 Employee Practices, Hygiene**

- (a) All employees and operators shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to good hygienic practices while on duty.
- (b) Employees' hands and other parts of the body normally used in giving massage shall be thoroughly washed before and after attending each customer.
- (c) Employees shall not consume food while on duty or in any areas where patrons are attended to. An employee lounge or dining area shall be provided if foods are consumed on the premises.

**4.2 Control of Contagious Disease**

- (a) The sanitary permit holder shall keep, maintain, and operate the establishment under permit in such manner that the health of customers, the health of persons employed therein and the public health is not endangered in any way.
- (b) The operator of the massage establishment shall report immediately to the Department all incidents of contagious disease, or suspicion thereof, occurring or observed in any of its employees or customers.
- (c) Operators or employees afflicted with a contagious disease shall not be allowed to work until the Department receives a written statement from their physician stating that they are no longer contagious.

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

**SECTION V  
OUTCALL MESSAGE OR ON-SITE MESSAGE**

- 5.1 When conducting outcall message or on-site message, massage practitioners must adhere to the following rules:
  - (a) When giving a body massage and a portable massage table is utilized, it must be kept clean, in good repair, and covered with impervious materials that are cleanable. When giving a body massage without a portable table, impervious sheeting shall cover, full length, all tables, mattresses, or pads, directly under fresh sheets linens.
  - (b) Conform to Section IV, 4.2 of these rules and regulations pertaining to control of contagious disease.
  - (c) All equipment provided by the massage technician must be clean and disinfected prior to each individual patron usage.
  - (d) Hot towels, when provided, must conform to rules for laundry and dry cleaning.
  - (e) Electrical equipment must be UL approved.

**SECTION VI  
HEALTH CERTIFICATES**

6.1 General

- (a) No person shall operate, manage, or work in a therapeutic massage establishment, or practice massaging unless the person holds a valid health certificate issued by the Department.
- (b) No owner, proprietor, operator, or manager of a therapeutic massage establishment shall knowingly allow any person to practice massage in such facility unless that person has a valid health certificate issued by the Department.
- (c) A health certificate shall be issued, whether new or a renewal, for a period of one year provided the applicant presents or submits the following:



- i. license/provisional license from the Board of Allied Health;
- ii. clinic hours and appointment book.

## 6.2 Physical Examination

- (a) No health certificate shall be issued, new or renewal and no current health certificate shall remain valid unless the applicant undergoes and passes a physical examination once every twelve months. The physical examination shall include, among other examination requirements, a skin test for tuberculosis. The results of the physical exam shall be reported to the Department on a report form provided by the Department. One copy of the physical examination report shall be kept on file by the permit holder at the massage establishment where the person works.
- (b) All information provided on statements made on the physical exam report form shall be true, accurate, and shall provide the information requested. Falsification of any physical exam report by a Health Certificate applicant or holder shall cause the health certificate to be denied or suspended respectively until the correct information is provided.

## 6.3 Photograph

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

## 6.4 Other Regulations Applied

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

# SECTION VII SANITARY CONTROLS AND FACILITIES

## 7.1 Water Supply

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

- (b) The water supply of the massage establishment shall be from an approved source by the Department.
- (c) The water supply plumbing shall be sized, installed and maintained according to latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between the potable water supply and any non-potable system, nor shall be any conditions which would allow backflow or back-siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply.

## 7.2 Lavatories

- (a) Lavatories shall be provided, and shall be at least the minimum number required by the most recent Uniform Plumbing Code and shall be conveniently located.
- (b) Lavatories shall be accessible to employees at all times.
- (c) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules.
- (d) Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.
- (e) A supply of hand cleansing soap or detergents shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The presence and use of common or roll towels is prohibited. Where disposable towels are used, easily cleanable waste containers shall be conveniently located near lavatories.
- (f) Lavatories, soap dispensers, and drying devices and all related fixtures shall be kept clean and in good repair.
- (g) In all new or extensively remodeled massage establishments, a handwashing lavatory shall be provided in each massage room or cubicle.

## 7.3 Toilet Facilities

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

- (b) Toilet rooms shall be completely enclosed and shall have self-closing doors. Toilet room doors shall be kept closed at all times when the establishment is open for business. Where necessary doors shall be fitted with properly louvered ventilators to aid in providing proper ventilation.
- (c) Toilet fixtures and rooms shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair. Easily cleanable, covered waste containers shall be provided. Toilet tissue shall be provided at each toilet at all time. Toilet facilities shall not be used for the storage of personal belongings.

#### 7.4 Shower Facilities

- (a) Where shower facilities are provided they shall be designed to be easily cleanable, shall be kept clean, and shall be kept in good repair.

#### 7.5 Sewage Disposal

- (a) The sewage disposal system shall be sized, installed, and maintained according to the latest edition of the Uniform Plumbing Code at the time of construction, alteration or required change. There shall be no cross-connections between the potable water supply and any non-potable system, nor shall there be any conditions which would allow backflow or back siphonage at any fixtures or equipment in the potable water supply system. Backflow prevention devices or measures shall be provided where necessary to protect the potable water supply
- (b) All sewage, including liquid waste of any kind, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to law.

#### 7.6 Garbage and Refuse Disposal

- (a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent proof containers that do not leak or absorb liquids.
- (b) Containers stored outside the establishment shall be cleanable, shall be provided with tight-fitting covers, and shall be covered when not in actual use.
- (c) There shall be a sufficient number of containers to hold all garbage and refuse that accumulates, and garbage and refuse shall be disposed of often enough to prevent odors and the attraction of rodents and insects.

- (d) Outside storage containers shall be kept off the ground on racks which provide at least 18" ground clearance, or on solid concrete or asphalt pads. Areas around outside storage containers shall be kept clean and litter free.
- (e) A copy of the collection service contract with an authorized waste collector shall be provided.

#### 7.7 Insect and Rodent Control

- (a) All areas of massage establishments shall be kept free of insect and rodent harborage and feeding areas, and shall provide effective measures to minimize their presence.
- (b) All openings to the outside used for ventilation shall be provided with #16 mesh screen. Doors to the outside shall be tight-fitting, self-closing and shall remain closed. All routes of insect or rodent ingress shall be sealed

#### 7.8 Linens

- (a) All towels, washcloths, sheets, pillowcases, and other fabrics which come in contact with the hair and skin of a patron shall be thoroughly cleaned and properly sanitized after each use on or by a patron.
- (b) Methods of cleaning and sanitizing all fabrics and linen shall be approved by the Director, and may include the following:
  - i. Having the used fabrics and linen cleaned and sanitized at a laundry and dry cleaning establishment with a valid sanitary permit.
  - ii. Having the used fabrics and linen cleaned and sanitized at a coin operated laundromat by use of automatic washers and dryers. Dryer temperatures shall be at least 180°F.
  - iii. Having the used fabrics or linen laundered at the therapeutic massage establishment by the proper use of automatic washers and dryers. Dryer temperatures shall be at least 180°F.
- (c) Laundry facilities and services on the premises shall be provided in a separate room away from other operations of the establishment.
- (d) Adequate and separate storage facilities shall be provided for the storage of cleaned and soiled fabrics and linen. Storage hampers for soiled fabrics and linen

shall be easily cleanable, kept clean, and emptied at regular intervals.

- (e) The supply of cleaned and sanitized fabrics and linen shall be adequate to prevent the establishment from running out between laundering periods.
- (f) Bedding, mattresses, pads and pillows shall be protected with plastic slip covers or other covers approved by the Department. All such covers shall be kept clean and in good repair.

#### 7.9 Dispensing of Powders, Lotions, Creams and Similar Preparations

- (a) Lotions, powders, fluid creams and other similar preparations shall be dispensed from shaker type, squeeze type, pump type, or aerosol type containers.
- (b) Semi-solid or solid creams shall be dispensed only with the use of a spatula or spoon which is either cleanable or disposable, and is either cleaned or disposed of respectively after each days use. Jars of creams shall be kept covered when not in use.

#### 7.10 Massage Appliances

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

#### 7.11 Food

- (a) Food and drink, other than coffee or softdrinks, shall not be served to any customer.

#### 7.12 Premises

- (a) Massage establishments and all parts of the premises and property used in connection with their operations shall be kept clean and free of litter.
- (b) Only articles necessary for the operation and maintenances of the massage establishment shall be stored on the premises.
- (c) Storage lockers, closets, or rooms shall be provided for the storage of cleaning and maintenance supplies, and they shall be kept clean and orderly.

### 7.13 Animals

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

## SECTION VIII CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

### 8.1 General

- (a) No person shall operate a therapeutic massage establishment in connection with any other business or dwelling unless there is solid, doorless partition from the floor to the ceiling and between such walls as will provide complete physical separation of the establishment from such other business or dwelling.
- (b) All floors, walls, ceilings, fixtures and furnishings shall be constructed so as to be cleanable, shall be kept clean, and shall be kept in good repair.

### 8.2 Lighting

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

### 8.3 Ventilation

- (a) All rooms shall have at least two (2) air changes per hour to keep them free of excessive obnoxious smoke, and moisture. Mechanical ventilation systems shall be installed and operated where natural ventilation is not adequate. Where mechanical ventilation is provided, adequate provisions shall be made to supply make-up air.

### 8.4 Lockers and Dressings Areas

- (a) Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers may be located in either storage rooms, employee lounge areas, or in any other area approved by the Director.
- (b) When employees routinely change clothes within the

massage establishment, a separate area, approved by the Director, shall be provided.

## SECTION IX INSPECTIONS

### 9.1 Inspection Frequency

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

### 9.2 Access

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

### 9.3 Report of Inspections

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

The report of inspection shall notify the permit holder of his or her right to appeal any notice or inspection findings upon written request for a hearing filed with the Director within ten (10) working days from the time the notice is served on the permit holder, pursuant to the Administrative Adjudication Law.

### 9.4 Grading

Grades of therapeutic massage establishments shall be as follows:

- Grade A An establishment having a demerit score of not more than (10),
- Grade B An establishment having a demerit score of more

than (10) but not more than (20),

Grade C An establishment having a demerit score of more than (20) but not more than (40),

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

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

## SECTION X POSTING OF DOCUMENTS

### 10.1 General

- (a) The sanitary permit and one copy of the most recent inspection report shall be posted in a conspicuous place designated by the Director, and clearly visible to the public. No person other than the Director shall remove, deface, conceal, or destroy such permit or report.
- (b) The health certificates of all persons currently employed in a therapeutic massage establishment shall be posted in a conspicuous place designated by the Director.

## SECTION XI MISCELLANEOUS

### 11.1 Effective Date

These regulations are effective immediately upon their approval by the Governor, until such time as the final rules and regulations are adopted pursuant to the Administrative Adjudication Law.

### 11.2 Separability

If any provision or application of any provision of those regulations is held invalid, that invalidity shall not affect the other provisions or applications of these regulations.