



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: H.B. 717 of the 132nd G.A.

Status: As Introduced

Sponsor: Rep. Brenner

Local Impact Statement Procedure Required: No

Subject: Modifies a township's ability to regulate massage establishments

Local Fiscal Highlights

- The bill allows townships to regulate activities in massage establishments without issuing permits and licensing individuals offering massage services in them as required under current law. However, townships are unlikely to see any increase in regulatory costs resulting from the changes in the bill.
- The bill establishes a third degree misdemeanor penalty for individuals performing massage services without one of the identified state licenses in townships exercising the regulatory authority in the bill. This could lead to some additional costs to county or municipal court jurisdictions where such cases are heard. These costs could be partially offset through criminal fines associated with the penalty.

Detailed Fiscal Analysis

The bill gives townships more flexibility to regulate the activities of massage establishments located in unincorporated areas by removing current law requirements that a township may do so only if it makes (1) massage businesses obtain a permit, and (2) individuals providing massage services in such businesses obtain a township-issued license. The activities that a township can regulate under this permitting and licensing process include limiting hours of operation, prohibiting sexual touching, and adopting related health and safety requirements, for example. The bill also allows townships to require that individuals performing massages obtain one of the various state-issued licenses specified in the bill, providing for a third degree misdemeanor penalty for individuals that knowingly perform massages without the required state license. While several townships across the state have already adopted resolutions to regulate massage parlors, it is unclear how many total townships currently regulate these establishments or will regulate them as provided under the bill since these massage businesses in many situations appear to be transient in nature.

The changes in the bill do not appear to impose any additional costs to townships that currently regulate massage establishments. However, with more flexibility to regulate the activities of massage parlors, townships could see an increase in criminal cases resulting from the criminal offense established by the bill. It would

appear unlikely that many such cases would occur, since these establishments would probably choose to not operate in townships with such licensing regulations. Nevertheless, any additional criminal cases could result in more court costs for the county or municipal court of jurisdiction. These costs would be partially offset through fines imposed on the offender. Third degree misdemeanor penalties have a maximum jail sentence of up to 60 days, and a fine of up to \$500. State court costs for a misdemeanor conviction are \$29. Of this amount, \$20 is deposited into the Indigent Defense Support Fund (Fund 5DY0) and \$9 is deposited into the Victims of Crime/Reparations Fund (Fund 4020).