

Authority: Policy and Finance Committee Report No. 5, Clause No. 11,  
adopted as amended, by City of Toronto Council on June 22, 23 and 24, 2004  
Enacted by Council: July 22, 2004

## **CITY OF TORONTO**

### **BY-LAW No. 658-2004**

#### **To amend City of Toronto Municipal Code Chapter 545, Licensing, to establish a licence requirement for traditional medicine establishments and traditional medicine practitioners.**

WHEREAS Section 150 of the *Municipal Act, 2001* grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for the purposes of health and safety, nuisance control and consumer protection; and

WHEREAS Council has determined that it is appropriate to establish a separate licence category for establishments and practitioners offering acupuncture and traditional Chinese medicine services to require them to obtain a separate business licence and comply with the requirements of Chapter 545, Licensing; and

WHEREAS these new requirements will help to ensure the protection of consumers and the health and safety of members of the public when evaluating the qualifications of establishments and practitioners and receiving acupuncture and traditional Chinese medicine services;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1. Chapter 545, Licensing, of The City of Toronto Municipal Code is amended as follows:**

**A. By adding the following definitions in alphabetical order to § 545-1:**

ACUPUNCTURE - An act of stimulation, by means of needles, of specific sites on the skin, mucous membranes or subcutaneous tissues of the human body to promote, maintain, restore or improve health, to prevent a disorder, imbalance or disease or to alleviate pain and includes:

- A. the administration of manual, mechanical, thermal and electrical stimulation of acupuncture needles;
- B. the use of laser acupuncture, magnetic therapy or acupressure; and
- C. moxibustion (Jiu) and suction cup (Ba Guan).

ACUPUNCTURE AND/OR TRADITIONAL MEDICINE ORGANIZATION — An association, organization or institution demonstrated as required under this chapter to be established for the purpose, and with the continuing intent, of ensuring safe and proper provision of one or more kinds of traditional medicine services through:

- A. The admission to membership of persons qualified to provide such traditional medicine services;

- B. The promulgation and enforcement of a code of ethics respecting the provision of such traditional medicine services;
- C. Maintaining, providing and recognizing measurable standards for practices and procedures in the provision of such traditional medicine services; and
- D. The communication of information relating to such traditional medicine services.

TRADITIONAL CHINESE MEDICINE - The promotion, maintenance and restoration of health and prevention of a disorder, imbalance or disease based on traditional Chinese medicine theory by utilization of the primary therapies of:

- A. Chinese acupuncture (Zhen), moxibustion (Jiu) and suction cup (Ba Guan);
- B. Chinese manipulative therapy (Tui Na);
- C. Chinese energy control therapy (Qi Gong);
- D. Chinese rehabilitation exercises such as Chinese shadow boxing (Tai Ji Quan); and
- E. prescribing, compounding or dispensing Chinese herbal formulae (Zhong Yao Chu Fang) and Chinese food cure recipes (Shi Liao).

TRADITIONAL MEDICINE — Any treatment employing acupuncture and/or traditional Chinese medicine, as defined in this Subsection.

TRADITIONAL MEDICINE ESTABLISHMENT – Any premises or part of a premises where traditional Chinese medicine and/or acupuncture services are offered or provided.

TRADITIONAL MEDICINE PRACTITIONER – A person engaged in the business of providing or offering traditional Chinese medicine or acupuncture services.

- B. By adding the following to § 545-2A:
  - (61) Every owner of a traditional medicine establishment.
  - (62) Every traditional medicine practitioner.

- C. By adding the following Article to the chapter:

**ARTICLE XXXVIII**  
**Traditional Medicine**  
**Establishments and Practitioners**

**§ 545-452. Owners and practitioners to be licensed.**

- A. No traditional medicine establishment may open for business or operate or be operated unless its owner is licensed as such under this chapter. For the purposes of this Article, the term “owner” shall be as generally defined in § 545-1 and shall be taken to refer to the owner of a traditional medicine establishment.
- B. No owner shall permit any traditional medicine service to be provided or offered upon or at a traditional medicine establishment by any person other than a licensed traditional medicine practitioner.
- C. No traditional medicine practitioner shall provide or offer traditional medicine services in any traditional medicine establishment unless the owner of the establishment is duly licensed as an owner under this chapter.
- D. No owner may provide traditional medicine services in the traditional medicine establishment of which he or she is the owner unless he or she is also licensed as a traditional medicine practitioner under this chapter.

**§ 545-453. Application to be filed in person.**

- A. On every application for an owner’s or a traditional medicine practitioner’s licence or for the renewal thereof, the applicant shall attend in person and not by an agent at the offices of the Municipal Licensing and Standards Division and shall complete the required forms and shall furnish to the Municipal Licensing and Standards Division such information as the Municipal Licensing and Standards Division may direct.
- B. In the case of a traditional medicine establishment owned by a partnership, the attendance required under Subsection A of this section shall be by one of the partners, and in the case of a traditional Chinese medicine establishment owned by a corporation, such attendance shall be by an officer of the corporation.
- C. On every application for an owner’s licence by an individual, partnership or corporation, the applicant shall provide:
  - (1) In the case of an individual, his or her date of birth;
  - (2) In the case of a partnership, the date of birth of each partner in the partnership; and

- (3) In the case of a corporation, including a corporation which is a partner in an applicant partnership or which has an interest in an applicant corporation, the date of birth of every shareholder or other person having a beneficial interest in the corporation.

**§ 545-454. Practitioner application requirements.**

Every applicant for a traditional medicine practitioner's licence shall:

- A. Be prepared to be photographed for the purposes of the licence by the Municipal Licensing and Standards Division, and upon application for renewal of any licence, the applicant shall pose for a new photograph if required to do so by the Municipal Licensing and Standards Division.
- B. Subject to § 545-454(C) of this article, every applicant for a traditional medicine practitioner's licence shall submit with the application a certificate, diploma or other documentation satisfactory to the Municipal Licensing and Standards Division, certifying that the applicant has, in respect of the traditional medicine services intended to be offered or provided by the applicant, successfully completed a course of training at an educational institution in Canada that is, within the meaning of section 118.5 of the Income Tax Act, R.S.C. 1985, c.1 (5<sup>th</sup> Supp.), as amended:
- (1) A university, college or other educational institution providing courses at a post-secondary school level; or
- (2) An institution certified by the Minister of Human Resources and Development to be an educational institution providing courses, other than courses designed for university credit, that furnish a person with skill for, or improve a person's skills in, an occupation.
- C. Where an applicant does not have the documentation required under Subsection B, the applicant shall submit with the application evidence satisfactory to the Municipal Licensing and Standards Division that the applicant:
- (1) Has demonstrated himself or herself to be a member in good standing of a acupuncture and/or traditional medicine organization; and
- (2) Has demonstrated acceptance and practice of the procedures, practices and ethics of the acupuncture and/or traditional Chinese medicine organization of which the applicant is a member.
- D. Be prepared, if required by the Municipal Licensing and Standards Division, to be examined with respect to his or her knowledge, and satisfactorily pass such examination.

- E. Applicants shall demonstrate the nature and purpose of an acupuncture and/or traditional Chinese medicine organization by filing with the Municipal Licensing and Standards Division particulars in writing providing details of:
- (1) The documents or instruments evidencing the creation of the organization;
  - (2) The names of the organization's principals and officers, members and employees;
  - (3) A short history summarizing the organization's activities and achievements to date;
  - (4) An outline of the procedures and practices pursued by the organization and its members;
  - (5) A copy of the organization's code of ethics applicable to its members;
  - (6) The nature of the services promoted and provided by the organization and its members, and of the qualifications required to provide every such service;
  - (7) A list of criteria for membership in the organization, and a list of its members;
  - (8) A list of courses and qualifications recognized or provided by the organization; and
  - (9) Any other Information which may be required in order to confirm that the organization meets the requirements of the definition of an acupuncture and/or traditional Chinese medicine organization as contained in this chapter.
- F. The filing of any record or document with the Municipal Licensing and Standards Division referred to in Subsection E of this section may be done by the acupuncture and/or traditional medicine organization in respect of its members.

**§ 545-455. Applicant for owner's licence to submit list of traditional medicine practitioners.**

Every applicant for an owner's licence shall, at the time of making the application, file with the Municipal Licensing and Standards Division a list showing the names of all traditional medicine practitioners employed by, or performing traditional medicine services in the traditional medicine establishment and all such persons intended or expected to be employed or to perform traditional medicine services in the traditional medicine establishment.

**§ 545-456. Minimum age of practitioner.**

Every applicant for a traditional medicine practitioner's licence shall file with or produce to the Municipal Licensing and Standards Division proof of his or her age, if required to do so by the Municipal Licensing and Standards Division, and no such licence shall be issued unless the Municipal Licensing and Standards Division is satisfied that every such person is of the full age of 18 years.

**§ 545-457. Application for owner's licence by partnerships and corporations; notification of changes in partnership.**

- A. Persons associated in a partnership applying for an owner's licence shall file with their application to the Municipal Licensing and Standards Division a declaration in writing signed by all the members of the partnership, which declaration shall state:
- (1) The full name and birth date of every partner and the address of his or her ordinary residence;
  - (2) The name or names under which they carry on or intend to carry on business;
  - (3) That the persons therein named are the only members of the partnership; and
  - (4) The mailing address for the partnership.
- B. If any member of a partnership applying for an owner's licence is a corporation, such corporation shall, for the purposes of this article, be deemed to be a corporation applying for an owner's licence, and if such licence is issued to the partnership, such corporation shall, for the purposes of this article, be deemed to be a corporation which holds an owner's licence.
- C. Every member of a partnership shall advise the Municipal Licensing and Standards Division immediately in writing of any change in the membership of the partnership and of any other change in any of the particulars relating to the partnership or its business which are required to be filed with the Municipal Licensing and Standards Division.
- D. Where, by reason of any change in the membership of a partnership, the Municipal Licensing and Standards Division has reasonable grounds to believe that the partnership is not entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked or terminated and whether or not a new licence should issue to the partnership as presently constituted.

**§ 545-458. Filing of incorporating document and annual returns.**

- A. Every corporation applying for an owner's licence shall file with the Municipal Licensing and Standards Division at the time of its application a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of the shareholders of the corporation.
- B. Where the shares in a corporation applying for an owner's licence are held in whole or in part by another corporation, the corporation so applying shall file with the Municipal Licensing and Standards Division an annual return in a form supplied by the Municipal Licensing and Standards Division, which annual return shall contain a list of all of its shareholders, and if such annual return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then the said applicant shall also file such an annual return in respect of such third corporation listing its shareholders, and so on until the names of all living persons are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in the shares of the applicant corporation.
- C. Every owner which is a corporation shall, in every year, on or before the time at which it applies for the renewal of its licence, file with the Municipal Licensing and Standards Division an annual return on a form supplied by the Municipal Licensing and Standards Division.

**§ 545-459. Transfer of shares and issue of new shares in corporations holding owner's licence; termination of licence upon transfer of controlling interest.**

- A. Where a corporation is the holder of an owner's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of any existing or new shares of the capital stock of the corporation, and of any such transaction involving the shares of any corporation referred to in Subsection C.
- B. Where, as a result of the transfer of existing shares or by the issue of new shares of a limited company, the Municipal Licensing and Standards Division has reasonable grounds to believe that the limited company may not be entitled to the continuation of its licence in accordance with this chapter, the Toronto Licensing Tribunal may determine whether the licence or licences shall be revoked or have conditions placed on it.

- C. Where, by a transfer of existing shares, or by an issue of new shares, the controlling interest in a corporation holding one or more owner's licences is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Municipal Licensing and Standards Division may issue a new licence or new licences upon payment of the prescribed fee. The Toronto Licensing Tribunal may refuse to issue a new licence or licences if it determines that it is in the public interest so to do.
- D. For the purpose of this section, "shareholder" and any words referring to the holding of shares includes all persons having a beneficial interest of any kind in the shares of the corporation.

**§ 545-460. Name or designation of business.**

- A. Every person applying for an owner's or practitioner's licence who carries on or intends to carry on the business in or relating to a traditional medicine establishment under any name or designation other than his or her own name shall, at the time of the making of the application, file with the Municipal Licensing and Standards Division a declaration, which declaration shall state:
- (1) His or her full name, date of birth and address of ordinary residence; and
  - (2) Any name or designation under which he or she carries on or intends to carry on business, and the date when the name or designation was first used by him or her.
- B. A person to whom this section relates shall notify the Municipal Licensing and Standards Division immediately of any change in any of the particulars required to be filed with the Municipal Licensing and Standards Division under Subsection A of this section.

**§ 545-461. Review of application for owner's licence by Medical Officer of Health, Chief of Police and other officials.**

An application for an owner's licence may be submitted by the Municipal Licensing and Standards Division for a report to the Medical Officer of Health and to the Chief of Police and may also be referred to any other government official or functionary for a report as the suitability of the applicant and the proposed premises or procedures; and where any such report is negative or unfavourable to the applicant, the applicant shall be furnished with a copy of such report and shall have the right to appear before the Toronto Licensing Tribunal for a hearing to determine whether or not the application should be granted, notwithstanding such report.



**§ 545-462. Notification of change of address.**

Every owner or traditional medicine practitioner who changes his or her address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address.

**§ 545-463. Bookkeeping requirements; access to records.**

- A. Every owner shall keep proper records and books of account of all business transacted in, by, or in respect of his or her traditional medicine establishment, which books shall give the amount of gross receipts for all services performed or provided in the said traditional medicine establishment, the name and licence number of every traditional medicine practitioner or other person performing services in the said traditional medicine establishment, including the date of commencement and the date of termination of such services, the amount of salary or commission paid to each traditional medicine practitioner, in respect of such traditional medicine establishment or traditional medicine establishment business.
- B. Every owner shall keep all books and records as are required by Subsection A for at least one year after the information required by that subsection is entered therein, and the Municipal Licensing and Standards Division and any person designated by the Commissioner shall at all times have access to such records.

**§ 545-464. Bill and receipt to be provided; copies to be retained.**

- A. Immediately before any traditional medicine services are provided in a traditional medicine establishment, the traditional medicine practitioner shall give to the customer an itemized bill for such services, listing the traditional medicine services to be provided and the price to be paid for each.
- B. Upon payment of the bill referred to in Subsection A, the customer shall be given a written receipt for the full amount paid.
- C. Every owner shall ensure that the bill and receipt required by Subsections A and B contain the name and Toronto licence number of the traditional medicine practitioner who provided the traditional medicine services and the name, address and Toronto licence number of such owner.
- D. Every owner shall ensure that the bill and receipt required by this section are provided to every customer of the traditional medicine establishment and shall retain and keep a copy of each such bill and receipt for at least one year after the services referred to therein are performed, and the Municipal Licensing and Standards Division shall at all times have access to such copies.

**§ 545-465. Advertisements to include licence number.**

Every owner shall ensure that all advertisements used in respect of such owner's traditional medicine establishment clearly state the number of the licence issued to such owner under this chapter.

**§ 545-466. Insurance requirements.**

Every owner shall, in respect of each traditional medicine establishment for which he or she holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least 10 days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

**§ 545-467. Regulations for operation of traditional medicine establishments.**

Every owner shall, in the operation of his or her traditional medicine establishment, comply with, and ensure compliance with, the following regulations:

- A. The premises and the fixtures and equipment therein shall be regularly washed and be kept in a sanitary condition.
- B. All needles, other equipment, and supplies used in the performance of traditional medicine services shall be either disposed of or sterilized after each use according to the requirements of the Ministry of Health Infection Control and Personal Services Settings Protocol, as revised or amended from time to time, and such other procedures as may be required by the Medical Officer of Health.
- C. Adequate toilet and washroom accommodation shall be provided and shall be equipped with:
  - (1) An adequate supply of hot and cold water;
  - (2) An adequate supply of liquid soap in a suitable container or dispenser;
  - (3) Hot air dryers or individual clean towels for the use of each person using the washing facilities; and
  - (4) A suitable receptacle for used towels and waste material.

**§ 545-468. Display of licences.**

- A. Every owner shall keep his or her licence issued in respect of that traditional medicine establishment posted in a conspicuous place in the interior of the said premises at all times during the currency of the licence.
- B. Every traditional medicine practitioner who provides or offers traditional medicine services in a traditional medicine establishment shall keep his or her licence prominently displayed in the interior of such traditional medicine establishment at all times during the currency of the licence.

**§ 545-469. Advertisement of traditional medicine services by licensed owners and practitioners only.**

No person other than a licensed owner may use the phrase “licensed,” “Toronto-licensed,” “traditional medicine service,” or “licensed traditional medicine service” or any words indicating the offering of the services or facilities of a traditional medicine establishment in pursuance of or in connection with any business, trade, or occupation carried on in a traditional medicine establishment in the City of Toronto unless the owner of the premises and every traditional medicine practitioner engaged in performing or offering traditional medicine services in, upon or at such premises has been duly licensed so to do under this chapter.

**§ 545-470. List of services and fees.**

- A. Every owner shall file with the Municipal Licensing and Standards Division a copy of a list of all services offered or provided in, upon or at his or her traditional medicine establishment, and of the respective fees charged for such services, and, if such charges be based on a computation of time, the hourly rate shall be shown on such list.
- B. No owner or traditional medicine practitioner shall charge, demand, or request any payment for any services offered or performed in a traditional medicine establishment except in accordance with the list filed with the Municipal Licensing and Standards Division under Subsection A.
- C. No owner or traditional medicine practitioner shall offer or provide any traditional medicine service in a traditional medicine establishment, or perform any services, except in accordance with the list filed under Subsection A.
- D. Every owner shall post a copy of the list of services and fees referred to in this section in a conspicuous place in the interior of the traditional medicine establishment plainly visible to any person upon entering the said premises.

**§ 545-471. Owners and practitioners to provide name, address and licence upon request.**

Every owner and traditional medicine practitioner shall, upon a request made by the Municipal Licensing and Standards Division or any peace officer, by-law enforcement officer, Medical Officer of Health, or public health inspector acting under the direction of the Medical Officer of Health, provide his or her name and residential address, and if licensed under this chapter, he or she shall produce his or her said licence.

2. This by-law shall come into force on July 1, 2004.

ENACTED AND PASSED this 22nd day of July, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)