

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1498

(Delegate Pena-Melnyk)

Health and Government Operations

Finance

---

State Board of Massage Therapy Examiners - Aiding or Abetting Unauthorized Practice - Prohibition

---

This bill prohibits an individual from aiding or abetting the unauthorized practice of massage therapy in the State. A violator is guilty of a felony and on conviction is subject to (1) for a first offense, a fine of up to \$5,000 or imprisonment for up to one year and (2) for a subsequent offense, a fine of up to \$20,000 per day or imprisonment for up to five years. A violator must reimburse the State Board of Massage Therapy Examiners for the direct costs resulting from a prosecution. In addition to criminal penalties, a violator is subject to a civil fine of up to \$10,000 as assessed by the board and payable to the State Board of Massage Therapy Fund.

---

Fiscal Summary

**State Effect:** The civil/criminal penalty provisions of the bill do not have a material impact on State finances or operations.

**Local Effect:** The civil/criminal penalty provisions of the bill do not have a material impact on local finances or operations.

**Small Business Effect:** None.

---

Analysis

**Current Law:** Under current law, the board licenses massage therapists and registers massage therapy practitioners. A registered massage therapy practitioner may not practice massage therapy in a health care setting. Chapters 705 and 706 of 2022 phase out the registered massage practitioner credential. Until October 31, 2026, an individual may

practice massage therapy in the State if the individual is either (1) licensed by the board or (2) registered by the board to practice massage therapy in a non-health care setting. Beginning November 1, 2026, an individual must be licensed by the board to practice massage therapy in the State.

Generally, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board. Current law provides a six-month grace period to practice after a license or registration has expired without penalty. Otherwise, a person who practices or attempts to practice massage therapy without a license or registration is subject to a *misdemeanor*. For a first offense, an individual is subject to a fine of up to \$2,000 or imprisonment for up to six months; a subsequent offense is subject to a fine of up to \$6,000 or imprisonment for up to one year. Chapter 706 also subjects a person who practices massage therapy without a license or registration to a civil fine of up to \$10,000.

---

### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2024  
km/jc Third Reader - March 18, 2024

---

Analysis by: Michael E. Sousane

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510