

SENATE BILL 246

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1999 Regular Session
9r1852
CF 9r1282

By: **Senator Dorman**

Introduced and read first time: February 3, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - Massage Therapists**

3 FOR the purpose of altering the definition of "practice massage therapy" to prevent
4 the practice of massage therapy by unlicensed persons; expanding the scope of
5 prohibited actions for persons practicing massage therapy without a license; and
6 generally relating to the practice of massage therapy by unlicensed persons.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 3-5A-01 and 3-5A-10
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1998 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 3-5A-01.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) "Board" means the State Board of Chiropractic Examiners.

18 (c) "Certificate" means, unless the context requires otherwise, a certificate
19 issued by the Board to practice massage therapy.

20 (d) "Certified massage therapist" means an individual who is certified by the
21 Board to practice massage therapy.

22 (e) "Massage Therapy Advisory Committee" means the Committee established
23 under § 3-5A-04 of this subtitle.

24 (f) (1) "Massage therapy" means the use of manual techniques on soft
25 tissues of the human body including effleurage (stroking), petrissage (kneading),
26 tapotement (tapping), stretching, compression, vibration, and friction, with or

1 without the aid of heat limited to hot packs and heating pads, cold water, or
2 nonlegend topical applications, for the purpose of improving circulation, enhancing
3 muscle relaxation, relieving muscular pain, reducing stress, or promoting health and
4 well-being.

5 (2) "Massage therapy" does not include:

6 (i) The diagnosis or treatment of illness, disease, or injury; or

7 (ii) The adjustment, manipulation, or mobilization of any of the
8 articulations of the osseous structures of the body or spine.

9 (3) The provisions of paragraph (2) of this subsection do not preclude the
10 application of the modalities described in paragraph (1) of this subsection to an
11 individual who has an injury.

12 (g) "Practice massage therapy" means to engage professionally and for
13 compensation in massage therapy [while representing oneself to be a certified
14 massage therapist].

15 3-5A-10.

16 (a) Except as otherwise provided in this subtitle, an individual may not
17 practice, attempt to practice, or offer to practice massage therapy, MASSAGE,
18 MYOTHERAPY, OR ANY SYNONYM OR DERIVATION OF THESE TERMS in this State
19 unless certified by the Board.

20 (b) An individual who is not certified as a certified massage therapist under
21 this subtitle may not advertise or claim by title, abbreviation, sign, card, or any other
22 representation that the individual practices massage, massage therapy, myotherapy,
23 or any synonym or derivation of these terms.

24 (c) Any individual who violates a provision of this subsection is guilty of a
25 misdemeanor and on conviction shall be subject to a fine not exceeding \$5,000 or
26 imprisonment for not more than 1 year, or both.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1999.