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By: **Delegate Hubbard**

Introduced and read first time: January 26, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Health Occupations - Massage Therapists and Non-Therapeutic Massage**  
3                                   **Practitioners**

4 FOR the purpose of repealing the exemption from certification or registration for  
5 individuals who practice massage therapy and non-therapeutic massage in  
6 certain health clubs and certain beauty salons.

7 BY repealing and reenacting, with amendments,  
8 Article - Health Occupations  
9 Section 3-5A-05(a)  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume)

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-05.

16       (a)       (1)       Except as otherwise provided in this subtitle, an individual shall be:

17                                   (i)       Certified by the Board before the individual may practice  
18 massage therapy in this State; or

19                                   (ii)       Registered by the Board before the individual may practice  
20 non-therapeutic massage in this State.

21       (2)       This section does not apply to:

22                                   (i)       A student enrolled in an approved education program as  
23 determined by the Board while practicing massage therapy in that program;

24                                   (ii)       An individual permitted to practice massage therapy under  
25 regulations adopted by the Board, if the individual:

1                                   1.           Otherwise has qualified to practice massage therapy in  
2 any other state or country that has substantially similar requirements for  
3 authorization to practice massage therapy and the individual is in this State for no  
4 more than 7 days; or

5                                   2.           Has an application for a certificate pending before the  
6 Board but has not taken the examination required under this section or has taken an  
7 examination under this section, but the results of the examination are not yet known;

8                                   (iii)       A family member practicing massage therapy on another family  
9 member;

10                                  (iv)       An athletic trainer while functioning in the course of the  
11 athletic trainer's professional capacity; OR

12                                  (v)       An individual employed by the federal government to practice  
13 massage therapy while practicing within the scope of the individual's employment[;].

14                                  [(vi)     An individual who is working in a facility that provides health  
15 club services for which the seller of the services has registered with the Consumer  
16 Protection Division of the Office of the Attorney General as required under §  
17 14-12B-02 of the Commercial Law Article; or

18                                  (vii)     An individual working in a beauty salon for which the person  
19 who operates the beauty salon has obtained a permit from the State Board of  
20 Cosmetology as required under § 5-501 of the Business Occupations and Professions  
21 Article.]

22       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2001.