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By: **Senator Pinsky**  
Introduced and read first time: January 22, 2001  
Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Massage Therapists - Exemption From Requirements for Certification and**  
3                                   **Registration**

4 FOR the purpose of exempting certain practitioners of certain therapies from the  
5 definition of massage therapy; exempting certain practitioners of certain  
6 therapies from the certification and registration requirements for massage  
7 therapists; and generally relating to exemptions from the requirement for  
8 certification or registration of massage therapists.

9 BY repealing and reenacting, with amendments,  
10 Article - Health Occupations  
11 Section 3-5A-01(g) and 3-5A-05(a)(2)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume)

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

16                                   **Article - Health Occupations**

17 3-5A-01.

18 (g) (1) "Massage therapy" means the use of manual techniques on soft  
19 tissues of the human body including effleurage (stroking), petrissage (kneading),  
20 tapotement (tapping), stretching, compression, vibration, and friction, with or  
21 without the aid of heat limited to hot packs and heating pads, cold water, or  
22 nonlegend topical applications, for the purpose of improving circulation, enhancing  
23 muscle relaxation, relieving muscular pain, reducing stress, or promoting health and  
24 well-being.

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

26 (i) The diagnosis or treatment of illness, disease, or injury; [or]

27 (ii) The adjustment, manipulation, or mobilization of any of the  
28 articulations of the osseous structures of the body or spine; OR

1 (III) THE PRACTICE OF TECHNIQUES THAT ARE EXECUTED WITH  
2 THE RECIPIENT FULLY CLOTHED AND ARE SPECIFICALLY INTENDED TO AFFECT THE  
3 HUMAN ENERGY FIELD INCLUDING BUT NOT LIMITED TO:

- 4 1. BIOENERGY;
- 5 2. HEALING TOUCH;
- 6 3. POLARITY;
- 7 4. REFLEXOLOGY;
- 8 5. REIKI;
- 9 6. SHIATSU; OR
- 10 7. THERAPEUTIC TOUCH.

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

14 3-5A-05.

15 (a) (2) This section does not apply to:

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

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

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

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

27 (iii) A family member practicing massage therapy on another family  
28 member;

29 (iv) An athletic trainer while functioning in the course of the  
30 athletic trainer's professional capacity;

31 (v) An individual employed by the federal government to practice  
32 massage therapy while practicing within the scope of the individual's employment;

1 (vi) An individual who is working in a facility that provides health  
2 club services for which the seller of the services has registered with the Consumer  
3 Protection Division of the Office of the Attorney General as required under §  
4 14-12B-02 of the Commercial Law Article; [or]

5 (vii) An individual working in a beauty salon for which the person  
6 who operates the beauty salon has obtained a permit from the State Board of  
7 Cosmetology as required under § 5-501 of the Business Occupations and Professions  
8 Article; OR

9 (VIII) AN INDIVIDUAL WHO USES TECHNIQUES THAT ARE EXECUTED  
10 WITH THE RECIPIENT FULLY CLOTHED AND ARE SPECIFICALLY INTENDED TO  
11 AFFECT THE HUMAN ENERGY FIELD INCLUDING BUT NOT LIMITED TO:

- 12 1. BIOENERGY;
- 13 2. HEALING TOUCH;
- 14 3. POLARITY;
- 15 4. REFLEXOLOGY;
- 16 5. REIKI;
- 17 6. SHIATSU; OR
- 18 7. THERAPEUTIC TOUCH.

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