

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

**Revised**

House Bill 230

(Charles County Delegation)

Commerce and Government Matters

Education, Health, and Environmental Affairs

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**Charles County - Occupations - Licensing, Certification and Registration**

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This bill repeals the licensing requirement in Charles County for palm readers, fortune-tellers, and soothsayers. The bill also provides that in Charles County, an individual may not perform or offer to perform a massage on another person for compensation unless the individual is a certified massage therapist or registered massage practitioner. A law enforcement officer in Charles County may demand proof of certification or registration. A person who violates this provision is guilty of a misdemeanor and subject to a maximum fine of \$5,000 or imprisonment for not more than one year, or both.

The Charles County commissioners may adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, practitioners, or anyone else who may provide massage for compensation. The county commissioners must provide that the director of the Charles County Health Department and the sheriff for Charles County have the authority to enforce the ordinances or regulations adopted by the county commissioners relating to massage.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Charles County revenues would decrease by \$250 for each palm reader, fortune-teller, and soothsayer that currently receives a license from the Board of County Commissioners. Enforcement of the massage ordinances or regulations could be handled with existing resources.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** In Charles County palm readers, fortune-tellers, and soothsayers are required to apply to the Charles County Board of County Commissioners for a license to conduct business. The board may issue the license only upon proof that the person applying for the license has been a resident, taxpayer, and property owner in Charles County for at least 18 months prior to the application for the license. The annual fee for the license is \$250.

A person may not practice, attempt to practice, or offer to practice massage therapy, massage myotherapy, or any synonym or derivation of those terms unless certified by the State Board of Chiropractic Examiners. Massage therapy does not include the laying on of hands, consisting of pressure or movement on a fully clothed individual, to specifically affect the electromagnetic energy or energetic field of the human body.

A person who is not certified as a massage therapist or registered as a massage practitioner may not advertise or claim by title or any other representation that the person practices massage, massage therapy, myotherapy, or any synonym or derivation of those terms. A person who is registered as a massage practitioner or a business entity that employs registered massage practitioners may not advertise to the public that the person or business entity provides health-related therapeutic massage services.

**Background:** Charles County issued one license in fiscal 2001 for palm readers, fortune-tellers, and soothsayers.

According to Charles County, there has been an increase in the number of illegitimate massage parlors locating to and operating in Charles County. Because the location of illegitimate businesses seems to be a growing problem, emergency legislation has been requested so that the county government can begin aggressive enforcement as soon as possible.

Charles County is a commissioner county. General Assembly consent is required for enactment of public local laws. The grant of broad legislative authority to inspect and investigate massage businesses provided in this bill would enable Charles County to enact and amend local regulations relating to massage businesses without seeking General Assembly approval.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles County, Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2002  
ncs/hlb Revised - Other - January 29, 2002  
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Analysis by: Christopher J. Kelter

Direct Inquiries to:  
John Rixey, Coordinating Analyst  
(410) 946-5510  
(301) 970-5510