

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1369 (Charles County Delegation)
Environmental Matters

Charles County - Massage Therapists and Massage Practitioners

This emergency bill 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.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental operations or finances.

Local Effect: Enforcement could be handled with existing resources.

Small Business Effect: Meaningful. Massage practitioners in Charles County who are offering massage for compensation and are not certified or registered either would have to expend the time and resources to become certified or registered, cease charging for massage services under this bill, or risk arrest and prosecution.

Analysis

Current Law: 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: 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles County, Department of Health and Mental Hygiene, Department of Legislative Services

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lc/jr

Analysis by: Karen D. Morgan

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