

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 653 (Washington County Delegation)

Health and Government Operations

Education, Health, and Environmental
Affairs

Washington County - Massage Therapists and Massage Practitioners

This bill provides that in Washington 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 Washington 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 Washington 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 Washington County Health Department and the sheriff for Washington County have the authority to enforce the ordinances or regulations adopted by the county commissioners relating to massage establishments.

Fiscal Summary

State Effect: None.

Local Effect: Enforcement of massage ordinances or regulations in Washington County could be handled with existing resources.

Small Business Effect: None.

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 Washington County, there has been an increase in the number of illegitimate massage parlors locating to and operating in Washington County.

Washington County is one of eight counties that operate under the commission form of government. Commission counties have limited powers and only those powers that are expressly delegated by the General Assembly and its 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 Washington 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): Washington County, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2003
mam/hlb

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