

# HOUSE BILL 1460

J2

EMERGENCY BILL

9lr3381  
CF SB 789

---

By: **Delegate Hubbard**

Introduced and read first time: February 27, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, March 9, 2009

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 3, 2009

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Chiropractic and Massage Therapy Examiners - ~~Massage~~**  
3 **Therapy Advisory Committee Terms of Members**

4 FOR the purpose of ~~reestablishing the Massage Therapy Advisory Committee under~~  
5 ~~the State Board of Chiropractic and Massage Therapy Examiners; specifying~~  
6 ~~the membership and duties of the Advisory Committee; altering the terms of~~  
7 ~~certain members of the Massage Therapy Advisory Committee; making this Act~~  
8 ~~an emergency measure; providing for the termination of this Act; and generally~~  
9 ~~relating to the reestablishment~~ altering the terms of members of the Massage  
10 Therapy Advisory Committee.

11 ~~BY repealing~~

12 ~~Article — Health Occupations~~

13 ~~Section 3-5A-04~~

14 ~~Annotated Code of Maryland~~

15 ~~(2005 Replacement Volume and 2008 Supplement)~~

16 ~~BY adding to~~

17 ~~Article — Health Occupations~~

18 ~~Section 3-5A-04~~

19 ~~Annotated Code of Maryland~~

20 ~~(2005 Replacement Volume and 2008 Supplement)~~

21 ~~BY repealing and reenacting, with amendments,~~

22 ~~Article — Health Occupations~~

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Section 3-5A-05~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(2005 Replacement Volume and 2008 Supplement)~~

4 BY repealing and reenacting, with amendments,  
 5 Chapter 242 of the Acts of the General Assembly of 2008  
 6 Section 2

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

9 ~~Article—Health Occupations~~

10 ~~3-5A-04.~~

11 ~~Except as otherwise provided in this subtitle, an individual shall be:~~

12 ~~(1) Licensed by the Board before the individual may practice massage~~  
 13 ~~therapy in this State; or~~

14 ~~(2) Registered by the Board before the individual may practice~~  
 15 ~~nontherapeutic massage in this State.]~~

16 ~~3-5A-04.~~

17 ~~(A) (1) THERE IS A MASSAGE THERAPY ADVISORY COMMITTEE~~  
 18 ~~WITHIN THE BOARD.~~

19 ~~(2) THE ADVISORY COMMITTEE SHALL CONSIST OF SIX MEMBERS~~  
 20 ~~APPOINTED BY THE BOARD.~~

21 ~~(3) OF THE SIX MEMBERS:~~

22 ~~(I) TWO SHALL BE LICENSED CHIROPRACTORS; AND~~

23 ~~(II) FOUR SHALL BE LICENSED OR CERTIFIED MASSAGE~~  
 24 ~~THERAPISTS.~~

25 ~~(B) IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE~~  
 26 ~~IN THIS SUBTITLE, THE ADVISORY COMMITTEE SHALL:~~

27 ~~(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO~~  
 28 ~~CARRY OUT THE PROVISIONS OF THIS SUBTITLE;~~

~~(2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR THE PRACTICE OF MASSAGE THERAPY FOR ADOPTION BY THE BOARD;~~

~~(3) DEVELOP AND RECOMMEND TO THE BOARD THE REQUIREMENTS FOR:~~

~~(I) LICENSURE AS A MASSAGE THERAPIST; AND~~

~~(II) REGISTRATION AS A MASSAGE PRACTITIONER;~~

~~(4) EVALUATE THE CREDENTIALS OF APPLICANTS AND RECOMMEND TO THE BOARD LICENSURE OR CERTIFICATION OF APPLICANTS WHO FULFILL THE REQUIREMENTS FOR:~~

~~(I) A LICENSE TO PRACTICE MASSAGE THERAPY; OR~~

~~(II) A REGISTRATION TO PRACTICE NONTHERAPEUTIC MASSAGE;~~

~~(5) CONSIDER COMPLAINTS BROUGHT TO THE BOARD INVOLVING LICENSED MASSAGE THERAPISTS OR REGISTERED MASSAGE PRACTITIONERS AND RECOMMEND TO THE BOARD THE APPROPRIATE DISCIPLINARY ACTION;~~

~~(6) EVALUATE EDUCATION PROGRAMS IN MASSAGE THERAPY FOR APPROVAL BY THE BOARD;~~

~~(7) KEEP A RECORD OF ITS PROCEEDINGS; AND~~

~~(8) SUBMIT A REPORT TO THE BOARD.~~

~~3-5A-05.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL BE:~~

~~(1) LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE MASSAGE THERAPY IN THIS STATE; OR~~

~~(2) REGISTERED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE NONTHERAPEUTIC MASSAGE IN THIS STATE.~~

~~(B) This subtitle does not apply to:~~

1           ~~(1) A student enrolled in an approved education program as~~  
2 ~~determined by the Board while practicing massage therapy in that program;~~

3           ~~(2) An individual permitted to practice massage therapy under~~  
4 ~~regulations adopted by the Board, if the individual otherwise has qualified to practice~~  
5 ~~massage therapy in any other state or country that has substantially similar~~  
6 ~~requirements for authorization to practice massage therapy and the individual is in~~  
7 ~~this State for no more than 7 days;~~

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

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

12          ~~(5) An individual employed by the federal government to practice~~  
13 ~~massage therapy while practicing within the scope of the individual's employment; or~~

14          ~~(6) An individual working in a beauty salon:~~

15                 ~~(i) For which the person who operates the beauty salon has~~  
16 ~~obtained a permit from the State Board of Cosmetology as required under § 5-501 of~~  
17 ~~the Business Occupations and Professions Article; and~~

18                 ~~(ii) In which the individual is providing cosmetology and~~  
19 ~~esthetic services, including the application and removal of skin or skin care products.~~

## 20                                 Chapter 242 of the Acts of 2008

21           SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall  
22 appoint one chiropractor member and three massage therapist members to the State  
23 Board of Chiropractic and Massage Therapy Examiners in accordance with § 3-202 of  
24 the Health Occupations Article, as enacted by Section 1 of this Act. The terms of the  
25 members are as follows:

26           (1) the one chiropractor member and one massage therapist member  
27 shall serve for a term of 2 years AND 2 MONTHS which shall begin on [July 1, 2009]  
28 MAY 1, 2009, and shall terminate at the end of June 30, 2011, and the members shall  
29 serve until a successor is appointed and qualifies; and

30           (2) the two massage therapist members shall serve for a term of 4  
31 years AND 2 MONTHS which shall begin on [July 1, 2009] MAY 1, 2009, and shall  
32 terminate at the end of June 30, 2013, and the members shall serve until a successor  
33 is appointed and qualifies.

34           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
35 measure, is necessary for the immediate preservation of the public health or safety,

1 has been passed by a yea and nay vote supported by three-fifths of all the members  
2 elected to each of the two Houses of the General Assembly, and shall take effect from  
3 the date it is enacted. ~~It shall remain effective through July 1, 2009, and, at the end of~~  
4 ~~July 1, 2009, with no further action required by the General Assembly, this Act shall~~  
5 ~~be abrogated and of no further force and effect.~~

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.