

SENATE BILL 789

J2

EMERGENCY BILL

9lr1756

By: **Senator Klausmeier**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

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; making this Act an
7 emergency measure; providing for the termination of this Act; and generally
8 relating to the reestablishment of the Massage Therapy Advisory Committee.

9 BY repealing

10 Article – Health Occupations
11 Section 3–5A–04
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2008 Supplement)

14 BY adding to

15 Article – Health Occupations
16 Section 3–5A–04
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations
21 Section 3–5A–05
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2008 Supplement)

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

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [3-5A-04.

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

3 (1) Licensed by the Board before the individual may practice massage
4 therapy in this State; or

5 (2) Registered by the Board before the individual may practice
6 nontherapeutic massage in this State.]

7 **3-5A-04.**

8 (A) (1) **THERE IS A MASSAGE THERAPY ADVISORY COMMITTEE**
9 **WITHIN THE BOARD.**

10 (2) **THE ADVISORY COMMITTEE SHALL CONSIST OF SIX MEMBERS**
11 **APPOINTED BY THE BOARD.**

12 (3) **OF THE SIX MEMBERS:**

13 (I) **TWO SHALL BE LICENSED CHIROPRACTORS; AND**

14 (II) **FOUR SHALL BE LICENSED OR CERTIFIED MASSAGE**
15 **THERAPISTS.**

16 (B) **IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE**
17 **IN THIS SUBTITLE, THE ADVISORY COMMITTEE SHALL:**

18 (1) **DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO**
19 **CARRY OUT THE PROVISIONS OF THIS SUBTITLE;**

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

23 (3) **DEVELOP AND RECOMMEND TO THE BOARD THE**
24 **REQUIREMENTS FOR:**

25 (I) **LICENSURE AS A MASSAGE THERAPIST; AND**

26 (II) **REGISTRATION AS A MASSAGE PRACTITIONER;**

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

4 **(I) A LICENSE TO PRACTICE MASSAGE THERAPY; OR**

5 **(II) A REGISTRATION TO PRACTICE NONTHERAPEUTIC**
6 **MASSAGE;**

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

10 **(6) EVALUATE EDUCATION PROGRAMS IN MASSAGE THERAPY**
11 **FOR APPROVAL BY THE BOARD;**

12 **(7) KEEP A RECORD OF ITS PROCEEDINGS; AND**

13 **(8) SUBMIT A REPORT TO THE BOARD.**

14 3-5A-05.

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

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

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

21 **(B) This subtitle does not apply to:**

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

24 **(2) An individual permitted to practice massage therapy under**
25 **regulations adopted by the Board, if the individual otherwise has qualified to practice**
26 **massage therapy in any other state or country that has substantially similar**
27 **requirements for authorization to practice massage therapy and the individual is in**
28 **this State for no more than 7 days;**

29 **(3) A family member practicing massage therapy on another family**
30 **member;**

1 (4) An athletic trainer while functioning in the course of the athletic
2 trainer's professional capacity;

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

5 (6) An individual working in a beauty salon:

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety,
13 has been passed by a ye and nay vote supported by three-fifths of all the members
14 elected to each of the two Houses of the General Assembly, and shall take effect from
15 the date it is enacted. It shall remain effective through July 1, 2009, and, at the end of
16 July 1, 2009, with no further action required by the General Assembly, this Act shall
17 be abrogated and of no further force and effect.