

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 309

(Anne Arundel County Delegation)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Anne Arundel County - Practice of Massage - Regulation**

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This bill authorizes the governing body of Anne Arundel County, after consultation with the State Board of Massage Therapy Examiners, to adopt ordinances or regulations relating to verification, inspection, and display of licenses to practice massage therapy. The governing body of Anne Arundel County must provide the Anne Arundel County Health Officer and the Anne Arundel County Police Department with the authority to carry out any ordinances or regulations adopted under the bill. **The bill takes effect July 1, 2018.**

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**Fiscal Summary**

**State Effect:** None. The bill only affects local government operations.

**Local Effect:** Since the bill merely authorizes Anne Arundel County to adopt regulations related to the practice of massage therapy, there is no direct fiscal or operational impact on the county.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Current Law:** Generally, a person must be licensed by the State Board of Massage Therapy Examiners as a massage therapist to practice massage therapy in the State or registered as a massage practitioner to practice massage therapy in a nonhealth care setting. “Practice massage therapy” means to engage professionally in massage therapy for compensation. Massage therapy does not include (1) the diagnosis or treatment of illness, disease or injury; (2) the adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the human body or spine; or (3) the laying of hands

on, consisting of pressure or movement on an individual who is fully clothed, to specifically affect the electromagnetic energy or energetic field of the human body.

A person who is not licensed 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.

The county commissioners of Charles and Washington counties have authority to adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, practitioners, and any other individuals who provide massage for compensation. The Charles County commissioners must provide the director of the county's health department and the Charles County Office of the Sheriff with the authority to carry out these ordinances or regulations. The Washington County commissioners must provide the Washington County Health Officer and Washington County Office of the Sheriff with the authority to carry out these ordinances or regulations.

The governing body of Howard County, after consultation with the State Board of Massage Therapy Examiners, has the authority to adopt ordinances or regulations relating to verification, inspection, and display of licenses to practice massage therapy. The governing body of Howard County must provide the Howard County Health Officer and the Howard County Police Department with the authority to carry out these ordinances or regulations.

**Background:** The Maryland Human Trafficking Task Force (MHTTF) is the State's primary organization that works to prevent trafficking, protect victims by providing them with the services they need, prosecute traffickers, and partner with a variety of organizations to eradicate human trafficking from Maryland's communities. A 2015 [report](#) from the Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking explained that "Maryland's position between several East Coast metropolitan areas and the presence of major interstate highways through the State has made Maryland a hot spot as both a pass through and a destination for human traffickers."

A 2012 report issued by the Governor's Office of Crime Control and Prevention and MHTTF quotes a 2012 article in *The Sentinel*, which stated that "[Maryland] Police say in 2011, they began noticing a sharp increase in the number of acupressure and massage parlor advertisements in the adult section of websites that cater to adult service. Police say they also received a number of complaints from citizens concerning the businesses. According to police, they discovered the illegitimate massage and acupressure businesses were havens for human trafficking and were also exploiting women for profit."

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel County; Governor's Office of Crime Control and Prevention; Maryland Department of Health; Maryland Human Trafficking Task Force; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2018  
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