

Chapter 789

(House Bill 1498)

AN ACT concerning

State Board of Massage Therapy Examiners – Aiding or Abetting Unauthorized Practice – Prohibition

FOR the purpose of prohibiting a person from aiding or abetting the unauthorized practice of massage therapy; and generally relating to the unauthorized practice of massage therapy.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 6–501 and 6–504
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Health Occupations

6–501.

(A) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board.

(B) A PERSON MAY NOT AID OR ABET THE UNAUTHORIZED PRACTICE OF MASSAGE THERAPY IN THE STATE.

6–504.

(a) (1) This subsection does not apply to a person who practices or attempts to practice massage therapy without a license or registration if the person's license or registration expired fewer than 6 months before the violation occurred.

(2) A person who practices or attempts to practice massage therapy without a license or registration in violation of [§ 6–501] § 6–501(A) of this subtitle or represents to the public in violation of § 6–502 of this subtitle that the person is authorized to practice massage therapy is guilty of a misdemeanor and on conviction is subject to:

(i) For a first offense, a fine not exceeding \$2,000 or imprisonment

not exceeding 6 months; or

(ii) For a subsequent offense, a fine not exceeding \$6,000 or imprisonment not exceeding 1 year.

(B) A PERSON WHO AIDS OR ABETS THE UNAUTHORIZED PRACTICE OF MASSAGE THERAPY IN VIOLATION OF § 6-501(B) OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR; OR

(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$20,000 PER DAY OR IMPRISONMENT NOT EXCEEDING 5 YEARS.

[(b)] (C) A person who is convicted under subsection (a) **OR (B)** of this section shall reimburse the Board for the direct costs of the Board, including court reporting services and expert witness fees, incurred as a result of a prosecution under subsection (a) **OR (B)** of this section.

[(c)] (D) (1) A person who violates § 6-501 of this subtitle is subject to a civil fine of not more than \$10,000 to be assessed by the Board in accordance with regulations adopted by the Board.

(2) The Board shall pay any penalty collected under this subsection into the State Board of Massage Therapy Examiners Fund.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.