

HOUSE BILL 1327

J2, J1

4lr2119

By: ~~Delegate Martinez~~ Delegates Martinez, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, R. Lewis, Lopez, Pena-Melnyk, Rosenberg, Taveras, White Holland, and Woods

Introduced and read first time: February 9, 2024
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Health – Body Altering Aesthetics Advisory Committee**

3 FOR the purpose of establishing the Body Altering Aesthetics Advisory Committee within
4 the Maryland Department of Health to study certain matters related to the body
5 altering aesthetics industry in the State; and generally relating to the body altering
6 aesthetics industry.

7 BY adding to

8 Article – Health – General

9 Section 13–5201 through 13–5207 to be under the new subtitle “Subtitle 52. Body
10 Altering Aesthetics Advisory Committee”

11 Annotated Code of Maryland

12 (2023 Replacement Volume)

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

15 **Article – Health – General**

16 **SUBTITLE 52. BODY ALTERING AESTHETICS ADVISORY COMMITTEE.**

17 **13–5201.**

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 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ADVISORY COMMITTEE" MEANS THE BODY ALTERING AESTHETICS
4 ADVISORY COMMITTEE.

5 (C) "BODY ALTERING AESTHETICS INDUSTRY" MEANS THE SUBSET OF THE
6 HEALTH CARE INDUSTRY THAT COMBINES THE PRACTICE OF VARIOUS HEALTH
7 OCCUPATIONS, INCLUDING MASSAGE THERAPY, NURSING, AND MEDICINE, WITH THE
8 AESTHETIC ASPIRATIONS OF PATIENTS, AND USES A VARIETY OF MEDICAL
9 TECHNIQUES, INCLUDING BIOMECHANICS, BIOENGINEERING, AND BIOHACKING.

10 13-5202.

11 THERE IS A BODY ALTERING AESTHETICS ADVISORY COMMITTEE WITHIN
12 THE DEPARTMENT.

13 13-5203.

14 (A) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

15 (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;

16 (2) THE CHAIR OF THE STATE BOARD OF MASSAGE THERAPY
17 EXAMINERS, OR THE CHAIR'S DESIGNEE;

18 (3) THE PRESIDENT OF THE STATE BOARD OF NURSING, OR THE
19 PRESIDENT'S DESIGNEE;

20 (4) THE CHAIR OF THE STATE BOARD OF PHYSICIANS, OR THE
21 CHAIR'S DESIGNEE; ~~AND~~

22 (5) THE CHAIR OF THE STATE BOARD OF PHYSICAL THERAPY
23 EXAMINERS, OR THE CHAIR'S DESIGNEE; AND

24 ~~(5)~~ (6) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE
25 SECRETARY:

26 (I) THREE REPRESENTATIVES OF THE CONVALESCENT
27 SYNERGISTIC LYMPHATIC THERAPY ORGANIZATION;

28 (II) ONE MASSAGE THERAPIST WITH EXPERIENCE IN
29 LYMPHATIC DRAINAGE MASSAGE;

1 (III) ONE NURSE WITH EXPERIENCE IN POSTSURGICAL CARE;

2 (IV) ONE PHYSICIAN WITH EXPERIENCE IN COSMETIC AND
3 RECONSTRUCTIVE PROCEDURES; AND

4 (V) ONE CONSUMER.

5 (B) THE SECRETARY SHALL ESTABLISH THE DURATION OF TERM LIMITS
6 FOR THE APPOINTED MEMBERS OF THE ADVISORY COMMITTEE.

7 (C) THE SECRETARY MAY REMOVE A MEMBER FOR INCOMPETENCE OR
8 MISCONDUCT.

9 13-5204.

10 (A) (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL CHAIR
11 THE ADVISORY COMMITTEE.

12 (2) FROM AMONG ITS MEMBERS, THE ADVISORY COMMITTEE
13 ANNUALLY SHALL ELECT A VICE CHAIR.

14 (B) THE ADVISORY COMMITTEE SHALL DETERMINE:

15 (1) THE MANNER OF ELECTION OF ANY OTHER SUBCOMMITTEE
16 CHAIRS; AND

17 (2) THE DUTIES OF EACH SUBCOMMITTEE CHAIR.

18 13-5205.

19 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE ADVISORY
20 COMMITTEE IS A QUORUM.

21 (B) (1) THE ADVISORY COMMITTEE SHALL MEET AT LEAST TWO TIMES
22 EACH YEAR, AT THE TIMES AND PLACES DETERMINED BY THE CHAIR.

23 (2) REASONABLE NOTICE OF ALL ADVISORY COMMITTEE MEETINGS
24 SHALL BE GIVEN IN THE MANNER DETERMINED BY THE ADVISORY COMMITTEE.

25 (C) A MEMBER OF THE ADVISORY COMMITTEE:

26 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
27 ADVISORY COMMITTEE; BUT

1 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
2 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

3 **13-5206.**

4 **(A) THE ADVISORY COMMITTEE SHALL STUDY WHETHER:**

5 **(1) THE CURRENT HEALTH OCCUPATIONS LICENSING AND**
6 **CERTIFICATION SYSTEM ADEQUATELY REGULATES THE BODY ALTERING**
7 **AESTHETICS INDUSTRY IN THE STATE BY:**

8 **(i) PROVIDING FOR FLEXIBILITY IN THE SCOPE OF PRACTICE**
9 **OF HEALTH OCCUPATIONS TO ALLOW HEALTH CARE PROFESSIONALS TO**
10 **PARTICIPATE IN THE BODY ALTERING AESTHETIC INDUSTRY;**

11 **(ii) PROVIDING OVERSIGHT AND POLICY GUIDELINES FOR**
12 **LICENSEES AND CERTIFICATE HOLDERS; AND**

13 **(iii) PROTECTING THE PUBLIC; AND**

14 **(2) IT IS IN THE BEST INTEREST OF THE STATE TO:**

15 **(i) REQUIRE NATIONAL CERTIFICATION FOR HEALTH CARE**
16 **PROFESSIONALS THAT PARTICIPATE IN THE BODY ALTERING AESTHETIC INDUSTRY**
17 **IN THE STATE; OR**

18 **(ii) ESTABLISH A STATE REGULATORY ENTITY TO CERTIFY**
19 **HEALTH CARE PROFESSIONALS THAT PARTICIPATE IN THE BODY ALTERING**
20 **AESTHETIC INDUSTRY IN THE STATE.**

21 **(B) TO CONDUCT THE STUDY REQUIRED UNDER SUBSECTION (A) OF THIS**
22 **SECTION, THE ADVISORY COMMITTEE SHALL EXAMINE RELEVANT DATA, STUDIES,**
23 **SCIENTIFIC LITERATURE, AND REQUIREMENTS IN OTHER STATES.**

24 **13-5207.**

25 **(A) ON OR BEFORE DECEMBER 1, 2024, THE ADVISORY COMMITTEE SHALL**
26 **SUBMIT AN INTERIM REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
27 **2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE**
28 **ADVISORY COMMITTEE'S ESTABLISHMENT AND ACTIVITIES, INCLUDING ANY**
29 **PRELIMINARY FINDINGS AND RECOMMENDATIONS FOR LEGISLATIVE OR**
30 **REGULATORY CHANGES.**

1 **(B) ON OR BEFORE DECEMBER 1, 2025, THE ADVISORY COMMITTEE SHALL**
2 **SUBMIT A FINAL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257**
3 **OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY OF ITS FINDINGS**
4 **AND RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY CHANGES.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2024. It shall remain effective for a period of 2 years and, at the end of June 30, 2026,
7 this Act, with no further action required by the General Assembly, shall be abrogated and
8 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.