

HOUSE BILL 1498

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By: **Delegate Pena–Melnyk**

Introduced and read first time: February 16, 2024

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, with amendments,
8 Article – Health Occupations
9 Section 6–501 and 6–504
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)

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

14 **Article – Health Occupations**

15 6–501.

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

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

22 6–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 (i) For a first offense, a fine not exceeding \$2,000 or imprisonment
9 not exceeding 6 months; or

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

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2024.