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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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SB 492
Health Occupations – Massage Therapy – Advertising

Good afternoon Chair Bagnall, Vice Chair Cullison and Members of the Committee,

Thank you for the opportunity to present Senate Bill 492, Health Occupations – Massage Therapy - Advertising. SB 492 is the cross-file of HB 975 passed by this Committee and the House. SB 492 strengthens state standards for advertisement by licensed massage therapists and registered massage practitioners. It also clarifies the State Board of Massage Therapy Examiners' authority to enforce those standards. This bill aims to address sexually explicit and misleading advertising that undermines legitimate practitioners, confuses the public, and can hide prostitution and human trafficking behind the word "massage."

Under current law, the Board must set standards for advertising and solicitation. However, the statute does not explicitly prohibit ads that offer or imply sexual services as part of massage therapy. This bill amends Health Occupations § 6-401 so that a licensed massage therapist or registered massage practitioner, or any third party acting at their direction, may not place, publish, or distribute an advertisement that states or implies that prostitution, escort, or sexual services are available, or that sexual activity is part of the massage service. Additionally, SB 492 authorizes the Board to adopt regulations and guidance to further define prohibited language and content, establish procedures for licensees, registrants, and the public to report violations, and establish appropriate disciplinary actions. Importantly, the Board will be able to identify and investigate potential violations on its own and communicate enforcement timelines and expectations.

SB 492 addresses all types of advertising media, including print, broadcast, signs, and websites. It also covers both new advertisements and existing advertisements that remain posted after the effective date so that non-compliant ads do not continue to mislead the public. Legitimate massage therapists and practitioners support clear standards that protect health and safety. This bill will further protect the public and the profession, helping to ensure that consumers can readily identify qualified professionals providing lawful massage therapy services.

I respectfully request a "Favorable Report" on SB 492, the cross-file of HB975.