

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 554 (Senator Pinsky)
Education, Health, and Environmental Affairs

State Board of Massage Therapy Examiners - Massage Therapists - Authority to Regulate

This bill repeals authorizations specific to Anne Arundel, Charles, Howard, and Washington counties, and instead authorizes the county executive or any governing body of any county, after consultation with the State Board of Massage Therapy Examiners, to adopt ordinances or regulations relating to massage establishments and verification, inspection, and display of licenses. A law enforcement officer in any county may demand proof of licensure or registration. Local health officers and local law enforcement have the authority to carry out the provisions of ordinances and regulations adopted under the bill. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: The board can consult with local authorities as needed using existing budgeted resources. Revenues are not affected.

Local Effect: Since the bill *authorizes* local governments to adopt ordinances or regulations related to massage therapy, there is no direct fiscal or operational impact on local governments.

Small Business Effect: Potential minimal.

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 commissioners in both counties must provide the director of the county’s health department and the county’s office of the sheriff with the authority to carry out these ordinances or regulations.

The governing bodies of Anne Arundel and Howard counties, after consultation with the board, have the authority to adopt ordinances or regulations relating to verification, inspection, and display of licenses. The governing bodies of Anne Arundel and Howard counties must provide their respective health officer and police department with the authority to carry out these ordinances or regulations.

In Charles and Washington counties, an individual may not perform a massage or offer to perform a massage on another individual for compensation unless the individual who performs or offers to perform the massage is a licensed massage therapist or a registered massage practitioner. A law enforcement officer in Charles and Washington counties may demand proof of licensure or registration.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Montgomery County; Maryland Department of Health; Department of Legislative Services

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