

Honolulu, Hawaii

March 18, 2016

RE: S.B. No. 2863
S.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2863, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS,"

begs leave to report as follows:

The purpose of this measure is to improve the regulation of massage therapy establishments, massage therapists, and massage therapist apprentices.

More specifically, this measure:

- (1) Authorizes the Department of Commerce and Consumer Affairs to issue a citation to any person who holds a massage therapist or massage therapy establishment license issued by the Board of Massage Therapy, or is designated the principal massage therapist by the massage therapy establishment, for any of the following violations of chapter 452, Hawaii Revised Statutes, or pertinent administrative rules:
 - (A) Failure to conspicuously display a current massage therapy establishment license and the current licenses and permits of all employees of the establishment who engage in the practice of massage therapy;



- (B) Failure to ensure a massage therapist apprentice wears a conspicuously placed name tag stating the apprentice's name and the word "apprentice";
 - (C) Operating a massage therapy establishment without a licensed principal massage therapist in attendance at all times; or
 - (D) Failure to include a massage therapist's or massage therapy establishment's current license number in any advertisement pursuant to section 452-23(b), Hawaii Revised Statutes;
- (2) Defines "principal massage therapist" as a massage therapist designated by an establishment or an out-call massage service as the person in charge;
 - (3) Establishes a format and procedure for serving citations;
 - (4) Provides that a citation may contain an order of abatement and assessment of a fine in the amount of \$250 for each violation; and
 - (5) Establishes a process for a licensee to contest a citation.

Your Committee received testimony in support of this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs and the Board of Massage Therapy.

Your Committee finds that this measure will enable the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs to more expeditiously take appropriate enforcement actions regarding Board of Massage Therapy licensees and to concentrate limited resources on other enforcement actions regarding more serious violations.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, S.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 2863 SD2	Committee Referral: CPC, JUD, FIN	Date: 3-16-16		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. WOODSON, Justin H. (VC)	/			
3. BELATTI, Della Au				/
4. BROWER, Tom				/
5. CREAGAN, Richard P.	/			
6. HAR, Sharon E.	/			
7. HASHEM, Mark J.	/			
8. KAWAKAMI, Derek S.K.	/			
9. LEE, Chris				/
10. NAKASHIMA, Mark M.				/
11. OSHIRO, Marcus R.	/			
12. SAN BUENAVENTURA, Joy A.	/			
13. TAKAYAMA, Gregg	/			
14. YAMANE, Ryan I.	/			
15. FUKUMOTO CHANG, Beth	/			
16. McDERMOTT, Bob				/
TOTAL (16)	11	0	0	5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				