

Honolulu, Hawaii
March 24, 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 Judiciary, 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. 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 who is designated the principal massage therapist by the massage therapy establishment for specified minor licensing violations or violation of Board of Massage Therapy rules;
- (2) Requires the presence during operating hours of a principal massage therapist, who is a massage therapist designated by an establishment or an out-call massage service as the person in charge;
- (3) Establishes content and service requirements for 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.

The Department of Commerce and Consumer Affairs and Board of Massage Therapy supported this measure.

Your Committee finds that the intent of this measure is to free up enforcement staff to handle more serious violations. This measure also adds a set of procedures for citations for minor violations of laws and rules relating to massage therapy, with the opportunity to contest the citations. The minor violations for which citations may be issued include:

- (1) Failure to conspicuously display a current massage therapy establishment license and current licenses and permits of all persons employed by the establishment who engage in the practice of massage therapy;
- (2) Failure to ensure that a massage therapist apprentice wears a conspicuously placed name tag stating the apprentice's name and the word "apprentice";
- (3) Operating a massage therapy establishment without a licensed principal massage therapist in attendance at all times; and
- (4) Failure to include a massage therapist's or massage therapy establishment's current license number in any advertisement.

When the Department of Commerce and Consumer Affairs uses the citation procedure, the fines are limited to \$250 and may include orders of abatement. The licensee may respond with a written request for hearing by the Board of Massage Therapy.

As affirmed by the record of votes of the members of your Committee on Judiciary 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 be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



