

STAND. COM. REP. NO.

2536

Honolulu, Hawaii

MAR 03 2016

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2863, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent 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 license issued by the Board of Massage Therapy and who:
 - (A) Fails to conspicuously display a current massage therapy establishment license and the current licenses and permits of all persons employed by the establishment;
 - (B) Fails to ensure a massage therapist apprentice wears a conspicuously placed name tag stating the apprentice's name and the word "apprentice";
 - (C) Operates a massage therapy establishment without a licensed principal massage therapist in attendance at all times; or



- (D) Fails to include a massage therapist's or massage therapy establishment's current license number in any advertisement;
- (2) Establishes a format and procedure for serving, citations;
 - (3) Provides that a citation may contain an order of abatement and assessment of a fine in the amount of \$250 for each violation; and
 - (4) Establishes a process for a licensee to contest a citation.

Your Committee received written comments 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 would promote compliance by Board of Massage Therapy licensees with applicable laws and rules by providing a mechanism to expedite enforcement actions by the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs. Your Committee further finds that this measure would also enable the Regulated Industries Complaints Office to concentrate its enforcement efforts and resources on more serious violations.

Your Committee has amended this measure by:

- (1) Specifying that violations of pertinent administrative rules relating to licensees, in addition to violations of chapter 452, Hawaii Revised Statutes, shall be subject to citations;
- (2) Clarifying to which licensees under chapter 452, Hawaii Revised Statutes, the new provisions apply;
- (3) Adding a definition of "principal massage therapist";
- (4) Providing that the measure does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date; and



- (5) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2863, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2863, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

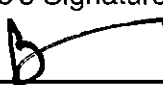


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2863, SD1	Committee Referral: CPH, WAM	Date: 7/19/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
CHUN OAKLAND, Suzanne	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.				✓
RIVIERE, Gil	✓			✓
TANIGUCHI, Brian T.	✓			✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	7			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes