

JAN 17 2020

A BILL FOR AN ACT

RELATING TO MASSAGE THERAPISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the practice of
2 massage in the State affects public health and safety. As a
3 matter of public interest and concern, massage therapist
4 licensees should regularly maintain their knowledge and
5 education, receive basic first aid and emergency-related
6 training, and understand the ethical implications of advertising
7 and promoting the practice of massage through mandatory
8 continuing education requirements.

9 Accordingly, the purpose of this Act is to:

10 (1) Require massage therapy licenses, beginning with the
11 renewal for the licensing biennium commencing on
12 July 1, 2022, and every biennial renewal thereafter,
13 to complete twelve hours of continuing education
14 within the two-year period preceding the renewal date,
15 two hours of which shall include first aid,
16 cardiopulmonary resuscitation, or emergency-related
17 course; and



1 (2) Modifying and updating advertising limitations and
2 penalties.

3 SECTION 2. Section 452-16, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§452-16 Renewal of license; fees[-]; continuing**
6 **education.** (a) Massage therapist and massage therapy
7 establishment licenses shall expire on June 30 of each even-
8 numbered year following the date of issuance unless renewed for
9 the next biennium. These licenses may be renewed by filing an
10 application therefor, accompanied by a renewal fee[-] and
11 submitting documentation of continuing education compliance, as
12 provided in this section. The application shall be made between
13 May 1 and June 30 of each even-numbered year. Failure to apply
14 for renewal as provided in this section shall constitute a
15 forfeiture of the license as of the date of expiration. Any
16 license so forfeited may be restored within one year after
17 expiration upon the filing of an application in the same manner,
18 submitting documentation of continuing education compliance as
19 provided in this section, and payment of a penalty fee in
20 addition to all delinquent fees. Thereafter, the person shall
21 apply as a new applicant and the board may require the person to



1 take and pass the examination and satisfy all requirements for
2 the examination, including training, if the board is not
3 satisfied that the person possesses current knowledge and skills
4 for the practice of massage therapy.

5 (b) For massage therapy licenses, beginning with the
6 renewal for the licensing biennium commencing on July 1, 2022,
7 and every biennial renewal thereafter, each licensee shall
8 submit proof of completing twelve hours of continuing education
9 within the two-year period preceding the renewal date, two hours
10 of which shall include first aid, cardiopulmonary resuscitation,
11 or emergency-related courses. The board shall adopt rules
12 relating to the requirements and standards that continuing
13 education programs shall meet to obtain recognition and approval
14 from the board."

15 SECTION 3. Section 452-23, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) It is a misdemeanor for any person, including a
18 person who is exempt by section 452-21 from this chapter, to
19 advertise with or without any limiting qualifications as a
20 massage therapist unless the person holds a valid license under



1 this chapter. Further, it shall be a violation of this chapter
2 for any person to advertise:

3 (1) As a massage therapist or a massage therapy
4 establishment unless the person holds a valid license
5 under this chapter in the classification so
6 advertised;

7 (2) By combining advertising for a licensed massage
8 therapy service with escort or dating services;

9 (3) As performing massage in a form in which the person
10 has not received training, or of a type which is not
11 licensed or otherwise recognized by statute or
12 administrative rule;

13 (4) By using in any mass distribution, print
14 advertisements such as newspaper advertisements, [œ]
15 telephone directory listings, or electronic
16 advertisements on the internet or social media
17 platforms, pictures depicting the human form other
18 than hands, wrists, and forearms;

19 (5) By using any term other than therapeutic massage or
20 massage therapy to refer to the service; or



1 (6) By referring to any personal physical qualities of the
2 practitioner.

3 "Advertise" as used in this section includes, but is not limited
4 to, the issuance of any card, sign, or device to any person; the
5 causing, permitting, or allowing of any sign or marking on or in
6 any building, vehicle or structure; advertising in any newspaper
7 or magazine; listing or posting on any website, blog, or social
8 media platform; any listing or advertising in any directory
9 under a classification or heading that includes the word
10 "massage therapist" or "massage therapy establishment"; or
11 commercials broadcast by airwave transmission.

12 (b) A massage therapist or massage therapy establishment
13 may advertise in print, on the internet, or broadcast medium, as
14 defined in subsection (a) only if the massage therapist or
15 massage therapy establishment includes in the advertisement or
16 listing the massage therapist's or massage therapy
17 establishment's applicable and current license number, and
18 provides written evidence of the number's validity to the
19 publisher or producer of the advertising medium. The publisher
20 or producer of a print or broadcast advertising medium shall
21 refuse to publish or broadcast an advertisement or listing for a



S.B. NO. 2541

1 message therapist or message therapy establishment that does not
2 comply with the provisions of this subsection. A publisher or
3 producer who obtains a signed statement from the message
4 therapist or message therapy establishment which states that the
5 message therapist or message therapy establishment has read the
6 text of the advertisement or listing, has an applicable and
7 current message therapist or message therapy establishment
8 license for the services advertised, has included all applicable
9 and current license numbers in the advertisement or listing, and
10 is aware of civil and criminal penalties for advertising as a
11 message therapist or message therapy establishment without a
12 valid license, shall be entitled to a rebuttable presumption of
13 compliance with this subsection."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2020.

17

INTRODUCED BY: Rosalyn H. Baker

[Handwritten signature]



S.B. NO. 2541

Report Title:

Massage Therapists; Licenses; Renewals; Continuing Education; Advertising

Description:

Beginning with the renewal for the licensing biennium commencing July 1, 2022, and every biennial renewal thereafter, requires massage therapy licensees to complete twelve hours of continuing education within the two-year period preceding the renewal date, two hours of which shall include first aid, cardiopulmonary resuscitation, or emergency related courses. Updates advertising restrictions and penalties.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

