

Honolulu, Hawaii

MAR 13 , 2020

RE: S.B. No. 2541
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Intrastate Commerce, to which was referred
S.B. No. 2541, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MASSAGE THERAPISTS,"

begs leave to report as follows:

The purpose of this measure is to establish continuing
education requirements and clarify the advertising limitations for
massage therapists.

Your Committee received testimony in support of this measure
from the Board of Massage Therapy, American Massage Therapy
Association-Hawaii Chapter, and one individual. Your Committee
received testimony in opposition to this measure from the Hanalei
Day Spa and one individual. Your Committee received comments on
this measure from the Department of the Attorney General, Pacific
Center for Awareness and Bodywork, and Kauai Massage Therapy.

Your Committee finds that massage therapist licensees should
regularly maintain their knowledge and education through
continuing education requirements that include basic first aid and
emergency-related training. While your Committee understands that
advertisements, regardless of medium, should be limited to protect
consumers from unscrupulous practitioners, concerns raised in
testimony before your Committee about the breadth of the



advertising limitations proposed by this measure and their possible infringement on constitutionally-protected commercial speech warrants sufficient caution. Accordingly, your Committee believes that amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1) Authorizing the Board of Massage Therapy to conduct random audits of licensees to determine compliance with the continuing educations requirements proposed by this measure;
- (2) Deleting the provisions that would have updated and modified the advertising limitations and penalties on massage therapists and massage therapy establishments;
- (3) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intrastate Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2541, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2541, S.D. 1, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Intrastate
Commerce,



TAKASHI OHNO, Chair



