

Testimony of the Board of Massage Therapy

**Before the
Senate Committee on Judiciary
and
Senate Committee on Ways and Means
Thursday, July 2, 2020
10:00 a.m.**

State Capitol, Conference Room Capitol Auditorium

**On the following measure:
H.B. 2322, H.D. 1, S.D. 1, RELATING TO MASSAGE THERAPY**

WRITTEN TESTIMONY ONLY

Chair Rhoads, Chair Dela Cruz, and Members of the Committees:

My name is Risé Doi, and I am the Executive Officer of the Board of Massage Therapy (Board). The Board supports this administration bill.

The purposes of this bill are to: (1) require the Board to promulgate and enforce sanitation rules for massage therapy establishments; (2) repeal Hawaii Revised Statutes (HRS) section 452-19(a) in favor of existing statutes that already treat unlicensed activity as a misdemeanor; and (3) increase the minimum fine from \$100 to \$250 and the maximum fine from \$1,000 to \$2,000 for each violation.

In October 2018, Hawaii Administrative Rules section 11-11-4, which established sanitation rules for massage therapy establishments under the Department of Health, was repealed. Since this repeal, massage therapy establishments have not been required to comply with any sanitation requirements.

This bill will provide the Board with statutory authority to promulgate and enforce sanitation rules, including requiring massage therapists to operate in sanitary, licensed massage therapy establishments. This statutory authority is imperative as massage therapy establishments continue to reopen during the COVID-19 pandemic. In addition, the Board strongly supports the bill's increase of the minimum and maximum fine amounts for unlicensed activity violations. When the State's stay-at-home orders were in effect, the Board received numerous reports of unlicensed massage therapy activity and licensed massage therapy establishments unlawfully operating during the pandemic. The bill's increase in fines will deter unlicensed massage therapy activity,

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especially during this unprecedented time, and notably, the increased maximum fine amount is consistent with the maximum fine for a misdemeanor in HRS section 706-640.

Thank you for the opportunity to testify, and we respectfully ask the Committees to pass this administration bill.



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Aloha Chair Rhoads, Chair Dela Cruz, and Members of the Senate Committees on Judiciary and Ways & Means:

My name is Olivia Nagashima and I am testifying in my role as the President of the American Massage Therapy Association – Hawaii Chapter. More than 8,000 state licensed massage therapists currently practice in Hawaii.

Our chapter **supports HB2322 HD1 SD1**, which requires the Board of Massage Therapy to adopt and enforce sanitation rules for massage establishments while increasing the minimum and maximum fines for violations.

Currently Hawaii law states that fines are from \$100 (minimum) up to \$1,000 (maximum) for each violation. This bill would make the minimum fine \$250, which is consistent with what RICO investigators currently charge per violation. We believe it is also important to increase the maximum fine for the most severe cases of blatant unlicensed activity, which includes solicitation or human trafficking. By increasing the maximum fine from \$1,000 to \$2,000, it is one step in the effort to deter these types of activities.

Thank you for the opportunity to submit testimony and we urge you to pass HB2322 HD1 SD1.

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