

A Bill for an Act Relating to Massage.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 452-1, Hawaii Revised Statutes, is amended to read as follows:

“§452-1 Definitions. For the purpose of this chapter, the following definitions shall be adopted:

“Board” means the board of massage therapy created under this chapter.

“Massage” [or “massaging”], “massage therapy”, and “Hawaiian massage” commonly known as lomilomi, means any method of treatment [or therapy] of the superficial soft parts of the body, consisting of rubbing, stroking, [tapping,] tapotement, pressing, shaking, or kneading with the hands, feet, [or] elbow, or arms, and whether or not aided by any mechanical or electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Any mechanical or electrical apparatus used as described in this chapter shall be approved by the United States Food and Drug Administration.

“Massage establishment” means premises occupied and used for the purpose of practicing massage[;] therapy or massage therapy training; provided that when any massage establishment is situated in any building used for residential purposes, the massage establishment premises shall be set apart and shall not be used for any other purpose.

“Massage therapist” means any person who engages in the occupation or practice of massage for compensation.

“Massage therapist apprentice” means any person who engages in the occupation or practice of massage [for compensation] under the direct supervision of a sponsoring massage therapist[.] who is employed by or registered with an approved massage establishment.

“Massage therapist student” means any person who engages in the study or practice of massage therapy who is under the direct supervision of the teacher in a school setting.

“Out-call massage service” means any business which engages in or carries on the practice of massage, not at a fixed location but at a location designated by the customer, client, or service.”

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

“§452-2 License required. (a) It is unlawful for any person in the State to engage in or attempt to engage in the occupation or practice of massage for compensation without a current massage therapist license [or massage therapist apprentice permit] issued pursuant to this chapter.

(b) A massage therapist apprentice who has a permit, or a massage therapist student under the direct supervision of a teacher in a massage school setting, is

also permitted to engage in or attempt to engage in the occupation or practice of massage."

SECTION 3. Section 452-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Board members affiliated with any school teaching massage or any apprenticeship or other massage therapy training program shall disclose that affiliation and shall at all times adhere to the provisions of chapter 84 and the interpretations of that chapter by the state ethics commission."

SECTION 4. Section 452-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The board shall adopt rules pursuant to chapter 91 relating to massage therapist apprenticeship and training including rules establishing qualifications for apprenticeship permits and training programs and the requirements to be met by massage therapist apprentices prior to taking the massage therapist license examination."

SECTION 5. Section 452-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The executive secretary of the board shall determine the sufficiency of the preliminary qualifications of applicants for admission to examination and licensing.

- (1) A nonrefundable application fee shall be paid to the board at the time of the application.
- (2) The examination fee shall be refunded only if the applicant is found not qualified to take the license examination.
- (3) An applicant for examination shall have completed academic training in anatomy, physiology, structural kinesiology, and the theory and demonstration of massage, which is not confined to any specific system or method of massage[,] therapy, spent at least six months as a massage therapist apprentice[,] or massage therapist student in a school approved by the board, and met all other requirements set for apprentices or students by the board pursuant to section 452-6(c)."

SECTION 6. Section 452-16, Hawaii Revised Statutes, is amended to read as follows:

"§452-16 Renewal of license; fees. Massage therapist, massage establishment, and out-call massage service licenses shall expire on June 30 of each even-numbered year following the date of issuance unless renewed for the next biennium. These licenses may be renewed by filing an application therefor, accompanied by a renewal fee. The application shall be made between May 1 and June 30 of each even-numbered year. Failure to apply for renewal as provided in this section shall constitute a forfeiture of the license as of the date of expiration. Any license so forfeited may be restored within one year after expiration upon the filing of an application in the same manner and payment, in addition to all delinquent fees, of a penalty fee. Thereafter, the license shall not be restored unless the regular examination [for applicants is again taken and passed.] and all requirements for the examination including training have been met."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

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SECTION 8. This Act shall take effect upon its approval.

(Approved June 7, 1989.)