



OFFERED BY SENATOR GUDGER

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SYNOPSIS:

Under existing law, termination dates are established for enumerated state agencies. The agencies are periodically reviewed by the Alabama Sunset Committee. After the review process is completed, the committee prepares its recommendations for the agencies to the Legislature in the form of sunset bills which either continue, terminate, or continue with modification each agency reviewed.

This bill would provide for the termination of the Alabama Board of Massage Therapy and the creation of a new Alabama Massage Therapy Licensing Board under the jurisdiction of the Secretary of State.

This bill would provide for the transfer of certain powers and responsibilities of the former board to the Secretary of State and the new board.

This bill would also provide for the temporary extension of the renewal date of any license or registration issued by the former board.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of



29 specified exceptions; it is approved by the affected
30 entity; or the Legislature appropriates funds, or
31 provides a local source of revenue, to the entity for
32 the purpose.

33 The purpose or effect of this bill would be to
34 require a new or increased expenditure of local funds
35 within the meaning of the section. However, the bill
36 does not require approval of a local governmental
37 entity or enactment by a 2/3 vote to become effective
38 because it comes within one of the specified exceptions
39 contained in the section.

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A BILL

43

TO BE ENTITLED

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AN ACT

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46 Relating to the Alabama Sunset Law; to terminate the
47 existence and functioning of the Alabama Board of Massage
48 Therapy; to create the Alabama Massage Therapy Licensing Board
49 under the jurisdiction of the Secretary of State pursuant to a
50 new Chapter 43A, Title 34, Code of Alabama 1975; to provide
51 for the membership and organization of the new board; to
52 provide for the transfer of all powers, duties, rights,
53 records, and property from the former board to the Secretary
54 of State and the new board; to temporarily extend the renewal
55 date of certain licenses and registrations issued by the
56 former board; to repeal Chapter 43, Title 34, Code of Alabama



57 1975, providing for the Alabama Board of Massage Therapy; and
58 in connection therewith would have as its purpose or effect
59 the requirement of a new or increased expenditure of local
60 funds within the meaning of Section 111.05 of the Constitution
61 of Alabama of 2022.

62 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

63 Section 1. Pursuant to the Alabama Sunset Law, the
64 Sunset Committee recommends the termination of the Alabama
65 Board of Massage Therapy, with the additional recommendation
66 for statutory change as set out in Section 3.

67 Section 2. The existence and functioning of the Alabama
68 Board of Massage Therapy, created and functioning pursuant to
69 Sections 34-43-1 through 34-43-21, Chapter 43 of Title 34,
70 Code of Alabama 1975, is terminated, and those code sections
71 are expressly repealed.

72 Section 3. Chapter 43A is added to Title 34 of the Code
73 of Alabama 1975, to read as follows:

74 §34-43A-1

75 This chapter shall be known and may be cited as the
76 Alabama Massage Therapy Licensing Act.

77 §34-43A-2

78 For purposes of this chapter, the following terms have
79 the following meanings:

80 (1) ADVERTISE. To distribute a card, flier, sign, or
81 device to any individual or entity, or to allow any sign or
82 marking to be placed or broadcast on any building, radio,
83 television, the Internet, or through other electronic means or
84 to participate in the publication of any of these in a manner



85 designed to attract public attention.

86 (2) BOARD. The Alabama Massage Therapy Licensing Board
87 created by this chapter.

88 (3) EXAMINATION. The National Certification Board for
89 Therapeutic Massage and Bodywork Examination or the Federation
90 of State Massage Therapy Board's Massage and Bodywork
91 Licensing Examination administered by an independent agency or
92 another nationally or internationally accredited examination
93 administered by an independent agency approved by the board,
94 or state examination administered by the board. The national
95 examination shall be accredited by the National Commission for
96 Certifying Agencies. The board may also administer a written,
97 oral, or practical examination.

98 (4) EXECUTIVE DIRECTOR. The Secretary of State, or his
99 or her designee.

100 (5) LICENSE. The credential issued by the board which
101 allows the holder to engage in the safe and ethical practice
102 of massage therapy.

103 (6) MASSAGE THERAPIST. An individual licensed pursuant
104 to this chapter who practices or administers massage therapy
105 or related touch therapy modalities to a client for
106 compensation.

107 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
108 business where massage therapy is practiced by a massage
109 therapist.

110 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
111 is approved by the board to teach the practice of massage
112 therapy.



113 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
114 MODALITIES. a. The mobilization of the soft tissue which may
115 include skin, fascia, tendons, ligaments, and muscles, for the
116 purpose of establishing and maintaining good physical
117 condition.

118 b. The term includes effleurage, petrissage,
119 tapotement, compression, vibration, stretching, heliotherapy,
120 superficial hot and cold applications, topical applications,
121 or other therapy that involves movement either by hand,
122 forearm, elbow, or foot, for the purpose of therapeutic
123 massage, and any massage, movement therapy, massage
124 technology, myotherapy, massotherapy, oriental massage
125 techniques, structural integration, acupressure, or polarity
126 therapy.

127 c. The term massage therapy may include the external
128 application and use of herbal or chemical preparations and
129 lubricants including, but not limited to, salts, powders,
130 liquids, nonprescription creams, mechanical devices such as
131 T-bars, cups, thumpers, body support systems, heat lamps, hot
132 and cold packs, salt glow, steam cabinet baths, or
133 hydrotherapy.

134 d. The term does not include laser therapy, microwave,
135 injection therapy, manipulation of the joints, or any
136 diagnosis or treatment of an illness that normally involves
137 the practice of medicine, chiropractic, physical therapy,
138 podiatry, nursing, midwifery, occupational therapy,
139 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
140 naturopathics.



141 (10) MASSAGE THERAPY SCHOOL. A school, approved by the
142 board, where massage therapy is taught and which is one of the
143 following:

144 a. If located in Alabama, approved by the board as
145 meeting the minimum established standards of training and
146 curriculum as determined by the board and otherwise provided
147 in this chapter.

148 b. If located outside of Alabama, recognized by the
149 board and by a regionally recognized professional accrediting
150 body.

151 c. A postgraduate training institute accredited by the
152 Commission on Massage Therapy Accreditation.

153 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
154 parlor, nude studio, modeling studio, love parlor, adult
155 bookstore, adult movie theater, adult video arcade, adult
156 motel, or other commercial enterprise which has the offering
157 for sale, rent, or exhibit, or the exhibit of, items or
158 services intended to provide sexual stimulation or sexual
159 gratification to the client.

160 (12) STUDENT. Any individual who is enrolled in a
161 massage therapy school.

162 §34-43A-3

163 Except as specifically provided by this chapter, no
164 individual may do any of the following unless licensed
165 pursuant to this chapter:

166 (1) Advertise that he or she performs massage therapy
167 or related touch therapy modalities.

168 (2) Hold himself or herself out to the public as a



169 massage therapist, using any name or description denoting
170 himself or herself as a massage therapist, or purporting to
171 have the skills necessary to perform massage therapy.

172 (3) Practice massage therapy.

173 §34-43A-4

174 (a) The following individuals, offices, and
175 establishments are exempt from this chapter:

176 (1) A student who is rendering massage therapy services
177 under the supervision of a massage therapy instructor, or any
178 other supervisory arrangement recognized and approved by the
179 board including, but not limited to, a temporary permit. A
180 student shall be designated by title clearly indicating his or
181 her training status.

182 (2) A qualified member of another profession who is
183 licensed and regulated under state law while in the course of
184 rendering services within the scope of his or her license,
185 provided that the individual does not represent himself or
186 herself as a massage therapist.

187 (3) An individual providing massages to his or her
188 immediate family.

189 (4) An individual offering massage therapy instruction
190 who is visiting from another state, territory, or country,
191 provided that the individual is licensed or registered as
192 required in his or her place of residence and holds
193 certification from a nationally recognized professional
194 accrediting organization approved by the board. A visiting
195 instructor may teach continuing education courses in this
196 state for up to 100 hours per year without being licensed by



197 the board. A visiting instructor who teaches continuing
198 education courses in this state for 100 hours or more per year
199 is required to be licensed by the board.

200 (5) Members of the Massage Emergency Rescue Team, or
201 any other nationally or internationally recognized disaster
202 relief association, who practice massage therapy in this state
203 only during a time declared by the Governor or the Legislature
204 to be a city, county, or state emergency. These therapists may
205 work in this state for a period of time approved by the board.

206 (6) A Native American healer using traditional healing
207 practices. A Native American healer who applies to the board
208 for a massage therapist license shall comply with all
209 licensing requirements.

210 (7) An individual acting under the supervision of a
211 physician, physical therapist, or chiropractor within the
212 scope of his or her license, provided that the individual does
213 not represent himself or herself as a massage therapist or
214 receive compensation as a massage therapist.

215 (8) The office of a chiropractor, physician, or
216 physical therapist which employs or contracts with a massage
217 therapist.

218 (b) Nothing in this chapter shall be construed to
219 authorize massage therapists to administer, dispense, or
220 prescribe drugs, or engage in the practice of medicine in any
221 manner including, but not limited to, providing nutrition
222 advice or diagnosing or prescribing drugs for mental,
223 emotional, or physical disease, illness, or injury.

224 §34-43A-5



225 (a) (1) There is created the Alabama Massage Therapy
226 Licensing Board under the jurisdiction of the office of the
227 Secretary of State. The purpose of the board is to protect the
228 health, safety, and welfare of the public by ensuring that
229 massage therapists, massage therapy establishment licensees,
230 massage therapy schools, and massage therapy instructors meet
231 prescribed standards of education, competency, and practice.
232 To accomplish the purposes of this mission, the board shall
233 establish standards to ensure completion of all board
234 functions in a timely and effective manner and to provide open
235 and immediate access to all relevant public information. The
236 board shall communicate its responsibilities and services to
237 the public as part of its consumer protection duties. The
238 board, upon the recommendation of the executive director,
239 shall develop and implement a long range plan to ensure
240 effective regulation and consumer protection.

241 (2) All rights, duties, records, property, real or
242 personal, and all other effects existing in the name of the
243 Alabama Board of Massage Therapy, formerly created and
244 functioning pursuant to Chapter 43, or in any other name by
245 which that board has been known, shall continue in the name of
246 the Alabama Massage Therapy Licensing Board under the
247 jurisdiction of the office of the Secretary of State. Any
248 reference to the former Alabama Board of Massage Therapy, or
249 any other name by which that board has been known, in any
250 existing law, contract, or other instrument shall constitute a
251 reference to the Alabama Massage Therapy Licensing Board as
252 created in this chapter. All actions of the former Alabama



253 Board of Massage Therapy or the executive director of the
254 former board done prior to June 1, 2024, are approved,
255 ratified, and confirmed.

256 (3) The status of any individual or entity properly
257 licensed or registered by the former Alabama Board of Massage
258 Therapy on June 1, 2024, shall continue under the jurisdiction
259 of the Alabama Massage Therapy Licensing Board. Any license or
260 registration subject to renewal on or before October 1, 2024,
261 pursuant to this chapter shall be temporarily extended by
262 three months, and may be temporarily extended for two
263 additional months if determined necessary by the board.

264 (b) (1) The board shall consist of the following nine
265 members:

266 a. Three active licensees appointed by the Governor.

267 b. Two active licensees and one at-large member
268 appointed by the Lieutenant Governor.

269 c. Two active licensees and one at-large member
270 appointed by the Speaker of the House of Representatives.

271 (2) The seven active massage therapist licensee members
272 of the board shall be appointed so that not more than one
273 active licensee member from each United States Congressional
274 District in the state is appointed to serve at the same time.
275 The two members appointed from the state at large shall have
276 never been licensed as massage therapists nor have had any
277 direct financial interest in the massage therapy profession.
278 One of the at-large members shall have extensive knowledge of
279 sex trafficking and related law enforcement efforts to defeat
280 sex trafficking. The at-large member appointed by the



281 Lieutenant Governor and the at-large member appointed by the
282 Speaker of the House of Representatives shall be appointed
283 from a list of three names each provided by the Minority
284 Leader of the Senate and the Minority Leader of the House of
285 Representatives, respectively. The appointing authorities
286 shall coordinate their appointments to assure the board
287 membership is inclusive and reflects the racial, gender,
288 geographic, urban, rural, and economic diversity of the state.

289 (3) The members initially appointed to the board shall
290 be appointed effective July 1, 2024. Each board member shall
291 be selected upon personal merit and qualifications, not per
292 membership or affiliation with an association. Each board
293 member shall be a citizen of the United States and a resident
294 of this state for two years immediately preceding appointment.
295 No member of the board shall serve more than two full
296 consecutive terms.

297 (c) Of the initial nine appointees to the board, three
298 members shall be appointed for terms of two years, three
299 members shall be appointed for terms of three years, and three
300 members shall be appointed for terms of four years as
301 determined by lottery. Thereafter, successors shall be
302 appointed for terms of four years, each term expiring on June
303 30.

304 (d) Vacancies on the board occurring prior to the
305 expiration of a term shall be filled by the original
306 appointing authority within 30 days after the vacancy, to
307 serve for the remainder of the unexpired term. Each member of
308 the board shall serve until his or her successor has been duly



309 appointed and qualified.

310 (e) The board shall hold its first meeting on or before
311 August 1, 2024. At the initial meeting, and annually
312 thereafter in the month of October, the board shall elect a
313 chair and a vice chair from its membership. The board shall
314 hold quarterly meetings for the purpose of reviewing license
315 applications. The board may hold additional meetings at the
316 discretion of the chair and four members of the board. A
317 quorum of the board shall be a majority of the then serving
318 appointed board members. All meetings of the board shall be
319 recorded electronically and a copy of the recording shall be
320 made available, upon request, for 30 calendar days following
321 the date of the recording.

322 (f) Board members shall not receive compensation for
323 their services, but shall receive the same per diem and
324 allowance as provided to state employees for each day the
325 board meets and conducts business.

326 (g) (1) The Secretary of State shall be the executive
327 director of the board and may outline the duties of and
328 employ, and at his or her discretion discharge, certain
329 officers, investigators, and employees as necessary to
330 implement this chapter. Employees of the board shall not be
331 subject to or governed by the state Merit System law but shall
332 be entitled to all benefits accruing to Merit System employees
333 including, but not limited to, the right to accumulate leave,
334 participate in the Employees' Retirement System, and
335 participate in the State Employees' Health Insurance Plan.

336 (2) When necessary, the board may retain outside



337 counsel who satisfies the qualifications required of a deputy
338 attorney general.

339 (h) An affirmative vote of a majority of the members of
340 the board shall be required to grant, suspend, or revoke a
341 license to practice massage therapy or a license to operate a
342 massage therapy establishment.

343 (i) The board shall be financed only from income
344 accruing to the board from fees, licenses, other charges and
345 funds collected by the board, and any monies that are
346 appropriated to the board by the Legislature.

347 (j) The executive director, at the request of the
348 board, may remove a member of the board for misfeasance,
349 malfeasance, neglect of duty, commission of a felony,
350 incompetence, permanent inability to perform official duties,
351 or failing to attend two consecutive properly noticed meetings
352 within a one-year period.

353 (k) Members of the board are immune from liability for
354 all good faith acts performed in the execution of their duties
355 as members of the board.

356 (l) Within the first six months after appointment, each
357 new board member shall complete board member training provided
358 by the Department of Examiners of Public Accounts and Alabama
359 Ethics training provided by the Alabama Ethics Commission.

360 (m) All appointees to the board shall take the
361 constitutional oath of office and shall file the oath in the
362 office of the Governor before undertaking any duties as a
363 board member. Upon receiving the oath, the Governor shall
364 issue a certificate of appointment to each appointee.



365 §34-43A-6

366 (a) The board shall do all of the following:

367 (1) Qualify applicants to take the licensing
368 examination and issue licenses to successful applicants.

369 (2) Adopt a seal and affix the seal to all licenses
370 issued by the board.

371 (3) Create application forms for examination and
372 licensing and assess and collect fees authorized by this
373 chapter.

374 (4) Maintain a complete record of all massage
375 therapists and annually prepare a roster of the names and
376 addresses of those licensees. An electronic copy of the roster
377 shall be provided to any individual, upon request and the
378 payment of a fee established by the board in an amount
379 sufficient to cover the costs of production and distribution.

380 (5) Provide for the investigation of any individual who
381 is suspected of violating this chapter or rule of the board.

382 (6) Adopt and revise rules as necessary to implement
383 this chapter pursuant to the Administrative Procedure Act. All
384 administrative rules of the former Alabama Board of Massage
385 Therapy existing on June 1, 2024, which reference Chapter 43,
386 shall remain in effect as rules of the Alabama Massage Therapy
387 Licensing Board until amended or repealed by that board.

388 (7) Provide an electronic copy of this chapter, and any
389 amendment made to this chapter, to licensees and applicants
390 for licensing, upon request.

391 (8) By rule, require massage therapists, massage
392 therapy establishments, and massage therapy schools to carry



393 professional and general liability insurance with an "A" rated
394 or better insurance carrier in the amount of at least one
395 million dollars (\$1,000,000). Proof of coverage shall be
396 provided to the board upon request.

397 (9) Perform other functions necessary and proper for
398 the performance of official duties.

399 (b) The board may do any of the following:

400 (1) Accept or deny the application of any individual
401 applying for a license as a massage therapist or massage
402 therapy establishment license upon an affirmative vote of a
403 majority of the board.

404 (2) By rule, establish criteria for certifying massage
405 therapy instructors.

406 (3) Adopt an annual budget and authorize necessary
407 expenditures from fees and other available appropriations. The
408 expenditures of the board may not exceed the revenues of the
409 board in any fiscal year.

410 (4) Adopt a code of ethics.

411 (5) Provide for the inspection of the business premises
412 of any licensee during normal business hours.

413 (6) Establish a list of approved massage therapy
414 schools.

415 §34-43A-7

416 (a) No individual may perform the duties of a massage
417 therapist unless he or she holds a valid license issued by the
418 board.

419 (b) A massage therapist may not perform massage therapy
420 for a sexually-oriented business, and shall be subject to all



421 sections of Article 3 of Chapter 12 of Title 13A.

422 (c) A massage therapist may not advertise or offer to
423 perform services outside of the scope of his or her expertise,
424 experience, and education for any client who is ill or has a
425 physical dysfunction, unless the services are performed in
426 conjunction with a licensed physician, physical therapist, or
427 chiropractor.

428 (d) A massage therapist or massage therapy
429 establishment licensee may not participate in the publication
430 of or advertise or offer to perform services on any sexually
431 explicit website or online platform that promotes
432 prostitution, sexually explicit services, or human
433 trafficking. The board shall report any alleged violation of
434 this subsection to local law enforcement for further
435 investigation and potential prosecution.

436 §34-43A-8

437 (a) An applicant for licensing as a massage therapist
438 shall apply to the board on forms provided by the board.
439 Unless licensed pursuant to subsection (b), an applicant for a
440 license shall submit evidence satisfactory to the board that
441 he or she has met all of the following requirements:

442 (1)a. Completed a minimum of 650 hours of instruction
443 at a massage therapy school consisting of all of the
444 following:

445 1. One hundred hours of anatomy and physiology,
446 including 35 hours of myology, 15 hours of osteology, 10 hours
447 of circulatory system, and 10 hours of nervous system, with
448 the remaining 30 hours addressing other body systems, as



449 determined by the massage therapy school.

450 2. Two hundred fifty hours of basic massage therapy,
451 the contradistinctions of massage therapy, and related touch
452 therapy modalities, including a minimum of 50 hours of
453 supervised massage.

454 3. Fifty hours of business, hydrotherapy, first aid,
455 cardiopulmonary resuscitation, professional ethics, and state
456 massage therapy law.

457 4. Two hundred fifty hours of electives as determined
458 by the massage therapy school.

459 b. The board, by rule, may increase the minimum number
460 of hours of instruction required for a license, not to exceed
461 the number of hours recommended by the National Certification
462 Board for Therapeutic Massage and Bodywork, or a successor
463 organization approved by the board.

464 c. In addition to paragraphs a. and b., to perform
465 therapeutic massage on an animal, a massage therapist shall
466 have also graduated from a nationally approved program and
467 completed at least 100 hours of postgraduate training and
468 education in animal anatomy, pathology, and physiology for the
469 specific type of animal upon which he or she will perform
470 therapeutic massage.

471 (2) Successfully passed a state board examination or a
472 national standardized examination approved by the board. The
473 board may approve other state's exams on a case-by-case basis.

474 (3) Completed a criminal history background check as
475 required by the board.

476 (4) Paid all applicable fees.



477 (b) Notwithstanding the requirements listed in
478 subdivisions (1) and (2) of subsection (a), the board may
479 license an applicant who is licensed or registered to practice
480 massage therapy in another state if the standards of practice
481 or licensing of that state, at the time the applicant was
482 originally licensed or registered, were equal to or stricter
483 than the requirements imposed by this chapter. Before the
484 issuance of an initial license or renewal pursuant to this
485 subsection, an applicant may be subject to a hearing before
486 the board to obtain additional information from the applicant
487 that is relevant to the decision of the board in granting or
488 denying the license or renewal. All hearings under this
489 subsection shall be conducted pursuant to the Administrative
490 Procedure Act and failure of the applicant to appear at the
491 hearing may result in the denial of his or her application or
492 renewal.

493 (c) Upon receipt of an application, the board shall
494 notify the applicant that his or her application is pending.
495 If the board requires additional information from the
496 applicant, the board shall notify the applicant and the
497 applicant shall provide the requested information to the board
498 within 10 business days. The board shall also notify the
499 applicant of the approval or denial of his or her application.
500 If an application is denied, the board shall notify the
501 applicant in writing of the reasons for the denial.

502 §34-43A-9

503 (a) No massage therapy establishment shall operate in
504 this state without a license issued by the board.



505 (b) A sexually-oriented business may not operate as a
506 massage therapy establishment or be licensed by the board
507 pursuant to this chapter.

508 (c) A massage therapy establishment shall contract with
509 or employ only licensed massage therapists to perform massage
510 therapy. Every massage therapist associated with or working at
511 a massage therapy establishment shall be registered with the
512 board and one of the licensed massage therapists shall be
513 designated as the licensee who ensures that the massage
514 therapy establishment complies with state law and all
515 applicable administrative rules.

516 (d) A massage therapy establishment license is not
517 assignable or transferable.

518 (e) If the holder of a massage therapy establishment
519 license moves the location of the massage therapy
520 establishment without changing either the name or ownership of
521 that massage therapy establishment, the board shall waive the
522 new establishment license fee upon the receipt of appropriate
523 documentation from the licensee. The documentation required by
524 the board for the waiver shall be established by rule of the
525 board. This subsection shall not change the expiration date of
526 a massage therapy establishment license.

527 (f) (1) Except as provided in subdivision (2), each
528 applicant for a massage therapy establishment license shall
529 complete a criminal history background check pursuant to rules
530 adopted by the board.

531 (2) An applicant for a massage therapy establishment
532 license, who is a massage therapist and has completed a



533 criminal history background check as required by the board
534 within the preceding two years, is exempt from completing the
535 criminal history background check required in subdivision (1).

536 (g) The physical location of a proposed massage therapy
537 establishment shall be subject to an initial inspection by the
538 board before a massage therapy establishment license is
539 granted to the applicant.

540 (h) If the physical location of a massage therapy
541 establishment is shut down by the board or by local, state, or
542 federal law enforcement, that physical location, for one year
543 following the closure, may not be licensed or operate as a
544 massage therapy establishment. After the one year prohibition
545 expires, an applicant for a massage therapy establishment
546 license for that physical location must appear before the
547 board before his or her application may be approved or denied.

548 §34-43A-10

549 (a) An application for initial licensing or renewal of
550 a license shall be submitted on forms provided by the board
551 and accompanied by the applicable fee, as provided in Section
552 34-43A-12, and a recent two-by-two inch photograph showing a
553 frontal view of the head and shoulders of the applicant, taken
554 no more than six months before application. All documents
555 shall be submitted in English.

556 (b) The board may deny the application of any applicant
557 who refuses to complete a criminal history background check as
558 required by the board pursuant to Section 34-43A-8(a)(3) or
559 Section 34-43A-9(f).

560 (c) Each license issued by the board to a qualified



561 massage therapist applicant or a massage therapy establishment
562 applicant shall be on a preprinted sequentially numbered form.
563 A license shall grant all professional rights, honors, and
564 privileges relating to the practice of massage therapy.

565 (d) Each massage therapist shall display his or her
566 license and photograph, as provided in subsection (a), in a
567 conspicuous manner as specified by rule of the board. Each
568 massage therapy establishment shall prominently post its
569 license, and the license and photograph of each massage
570 therapist, as provided in subsection (a), who practices at the
571 massage therapy establishment, in plain sight within the
572 massage therapy establishment.

573 (e) A license is the property of the board and shall be
574 surrendered upon demand of the board.

575 §34-43A-11

576 (a) Each license shall be renewed biennially, on or
577 before the anniversary date, by forwarding to the board a
578 renewal application accompanied by the renewal fee. Except as
579 provided in Section 34-43A-5(a)(3), any license not renewed
580 biennially on or before the anniversary date shall expire.

581 (b) Each licensee, upon application for renewal of a
582 license, shall do both of the following:

583 (1) Submit evidence of satisfactory completion of the
584 continuing education requirements pursuant to Section
585 34-43A-19.

586 (2) Complete a new criminal history background check
587 pursuant to rules adopted by the board. The board may deny the
588 application for renewal of any licensee who refuses to



589 complete a criminal history background check as required by
590 the board.

591 (c) Licenses are valid for two years from the date of
592 issuance. An individual whose license has expired and who has
593 ceased to practice massage therapy for a period of not longer
594 than five years may have his or her license reinstated upon
595 payment of a renewal fee, payment of a reactivation fee,
596 payment of a late fee, and the submission of a renewal
597 application and evidence satisfactory to the board that the
598 applicant has fulfilled continuing education requirements,
599 completed a criminal history background check, and paid any
600 criminal history background check fees required by this
601 chapter.

602 §34-43A-12

603 (a) The board, by rule, shall assess and collect all of
604 the following fees not to exceed:

605 (1) One hundred dollars (\$100) for an initial massage
606 therapist license.

607 (2) One hundred dollars (\$100) for a biennial license
608 renewal postmarked or received at the office of the board on
609 or before the expiration date of the license.

610 (3) One hundred dollars (\$100) for an initial, and
611 fifty dollars (\$50) for any renewal of, a massage therapy
612 establishment license.

613 (4) One hundred fifty dollars (\$150) for an initial
614 registration, and any renewal registration, as a massage
615 therapy school in this state.

616 (5) One hundred dollars (\$100) to register and renew



617 registration as a massage therapy instructor in this state.

618 (6) Seventy-five dollars (\$75) to reactivate an expired
619 license.

620 (7) Twenty-five dollars (\$25) shall be added to any
621 license fees not postmarked or received at the office of the
622 board on or before the expiration date of the license.

623 (8) Ten dollars (\$10) for a duplicate license
624 certificate or a name change on a license certificate. The
625 board may issue a duplicate certificate for each massage
626 therapy establishment on file with the board where the massage
627 therapist practices massage therapy. The board may issue
628 additional duplicate certificates only after receiving a sworn
629 letter from the massage therapist that an original certificate
630 was lost, stolen, or destroyed. The board shall maintain a
631 record of each duplicate certificate issued on a preprinted
632 sequentially numbered form, and the preprinted sequential
633 number of the original certificate shall be noted on the
634 duplicate certificate.

635 (b) Necessary administrative fees may be charged by the
636 board including, but not limited to, reasonable costs for
637 copying, labels, and lists, and the actual costs for
638 completing a criminal history background check. Examination
639 and license fees may be adjusted by rule of the board within
640 the monetary limits established by this chapter.

641 (c) Commencing on June 1, 2024, the name of the
642 separate special revenue trust fund in the State Treasury
643 known as the Alabama Board of Massage Therapy Fund shall be
644 renamed and then known as the Alabama Massage Therapy



645 Licensing Board Fund. All receipts collected by the board
646 under this chapter shall be deposited in this fund and used
647 only to carry out this chapter. Receipts shall be disbursed
648 only by warrant of the Comptroller, upon itemized vouchers
649 approved by the executive director, or his or her designee. No
650 funds shall be withdrawn except as budgeted and allotted
651 according to Sections 41-4-80 to 41-4-96, inclusive, 41-19-1,
652 and 41-19-12, and only in amounts as stipulated in the general
653 appropriations bill or other appropriations bills.

654 §34-43A-13

655 (a) Any individual may file with the board a written
656 complaint regarding an allegation of impropriety by a massage
657 therapist, massage therapy establishment, or other individual.
658 Complaints may be anonymous and shall be made in the manner
659 prescribed by the board. Complaints received by the board
660 shall be referred to a standing investigative committee
661 consisting of a board member, the executive director, the
662 board attorney, and the board investigator. If no probable
663 cause is found, the investigative committee may dismiss the
664 charges and provide a statement, in writing, to the massage
665 therapist, massage therapy establishment, or other individual
666 of the reasons for that decision. The statement may also
667 include the name of the complainant, upon request of the
668 massage therapist, massage therapy establishment, or other
669 individual to whom the written statement is provided.

670 (b) If probable cause is found, the board shall
671 initiate an administrative proceeding. Upon a finding that the
672 licensee has committed any of the following misconduct, the



673 board shall suspend, revoke, or refuse to issue or renew a
674 license or impose a civil penalty after notice and opportunity
675 for a hearing pursuant to the Administrative Procedure Act:

676 (1) The license was obtained by means of fraud,
677 misrepresentation, fraudulent transcripts, transcripts from a
678 non-approved school, invalidated examination scores, or
679 concealment of material facts, including making a false
680 statement on an application or any other document required by
681 the board for licensing.

682 (2) The licensee sold or bartered or offered to sell or
683 barter a license for a massage therapist or a massage therapy
684 establishment.

685 (3) The licensee has engaged in unprofessional conduct
686 that has endangered or is likely to endanger the health,
687 safety, and welfare of the public, as defined by the rules of
688 the board.

689 (4) The licensee has been convicted of a felony or of
690 any crime arising out of or connected with the practice of
691 massage therapy.

692 (5) The licensee has violated or aided and abetted in
693 the violation of this chapter.

694 (6) The licensee is adjudicated as mentally incompetent
695 by a court of law.

696 (7) The licensee uses controlled substances or
697 habitually and excessively uses alcohol.

698 (8) The licensee engaged in false, deceptive, sexually
699 explicit, or misleading advertising.

700 (9) The licensee engaged in or attempted to or offered



701 or solicited to engage a client in sexual activity including,
702 but not limited to, genital contact, within the client-massage
703 therapist relationship.

704 (10) The licensee has knowingly allowed the massage
705 therapy establishment to be used as an overnight sleeping
706 accommodation.

707 (11) The licensee had a license revoked, suspended, or
708 denied in any other territory or jurisdiction of the United
709 States for any act described in this section.

710 (12) The applicant or licensee was convicted of
711 impersonating a massage therapist in another jurisdiction.

712 (c) Subsequent to an official complaint, the board may
713 request a criminal history background check of the licensee
714 through the district attorney of the circuit in which the
715 licensee is located.

716 (d) An individual governed by this chapter, who has a
717 reasonable belief that another massage therapist has violated
718 this chapter, shall inform the board in writing within 30
719 calendar days after the date the individual discovers this
720 activity. Upon finding that an individual has violated this
721 subsection, the board shall alert local law enforcement and
722 may do any of the following:

723 (1) Impose an administrative fine of not more than ten
724 thousand dollars (\$10,000) according to a disciplinary
725 infraction fine schedule adopted by rule of the board.

726 (2) Suspend or revoke the individual's license to
727 practice massage therapy.

728 (e) In addition to an administrative fine of not more



729 than ten thousand dollars (\$10,000), according to a
730 disciplinary infraction fine schedule adopted by rule of the
731 board, the license of any individual who has been convicted
732 of, or has entered a plea of nolo contendere to, a crime or
733 offense involving prostitution or any other type of sexual
734 offense shall be permanently revoked by the board following a
735 hearing conducted pursuant to the Administrative Procedure
736 Act.

737 (f) The massage therapy establishment license of any
738 massage therapy establishment wherein an individual has been
739 convicted of, or entered a plea of nolo contendere to, an
740 offense involving prostitution or any other type of sexual
741 offense against a client, or which the board determines is a
742 sexually-oriented business, shall be permanently revoked by
743 the board following a hearing conducted pursuant to the
744 Administrative Procedure Act.

745 (g) (1) Upon a finding that an individual, who is
746 governed by this chapter, has performed massage therapy
747 without having obtained a license, the board may do any of the
748 following:

749 a. Impose an administrative fine of not more than ten
750 thousand dollars (\$10,000).

751 b. Issue a cease and desist order.

752 c. Petition the circuit court of the county where the
753 act occurred to enforce the cease and desist order and collect
754 the assessed fine.

755 (2) Any individual aggrieved by any adverse action of
756 the board may appeal the action to the Circuit Court of



757 Montgomery County.

758 (h) The board shall present any incident of misconduct
759 to the local district attorney for review and appropriate
760 action.

761 (i) The board may adopt rules to implement and
762 administer this section upon the recommendation of the
763 executive director.

764 §34-43A-14

765 An individual who does not hold a license as a massage
766 therapist, physical therapist, chiropractor, or athletic
767 trainer, or a license for a massage therapy establishment,
768 shall not use the words massage or bodywork on any sign or
769 other form of advertising describing services performed by the
770 individual or within the establishment. Any advertisement by a
771 massage therapist or massage therapy establishment shall
772 contain the license number of the massage therapist or massage
773 therapy establishment.

774 §34-43A-15

775 Any individual who violates this chapter shall be
776 guilty of a Class C misdemeanor.

777 §34-43A-16

778 (a) In addition to any criminal penalty prescribed by
779 this chapter, the board may seek an injunction against any
780 individual or establishment found in violation of this
781 chapter.

782 (b) In an action for an injunction, the board may
783 demand and recover a civil penalty of fifty dollars (\$50) per
784 day for each violation, reasonable attorney fees, and court



785 costs.

786 §34-43A-17

787 (a) Except as otherwise provided in subsection (b),
788 this chapter shall supersede any regulation adopted by a
789 political subdivision of the state related to the licensing or
790 regulation of massage therapists and massage therapy
791 establishments.

792 (b) This section shall not affect:

793 (1) Local regulations relating to zoning requirements
794 or occupational license taxes pertaining to massage therapists
795 and massage therapy establishments.

796 (2) Local regulations that do not relate to the
797 practice of massage therapy by qualified individuals.

798 (c) A county, or a municipality within its
799 jurisdiction, may regulate individuals licensed pursuant to
800 this chapter. Regulation shall be consistent with this chapter
801 and shall not supersede this chapter. This section shall not
802 be construed to prohibit a county or municipality from
803 regulating individuals not licensed pursuant to this chapter.

804 §34-43A-18

805 (a) To be approved by the board, a massage therapy
806 school shall meet all of the following requirements:

807 (1) Submit to the board a completed application
808 prescribed by the board and the registration fee specified in
809 Section 34-43A-12.

810 (2) Provide documentation of a curriculum which
811 includes a minimum number of required hours of instruction in
812 the subjects required by Section 34-43A-8.



813 (3) Register annually with the board by submitting a
814 renewal form, the renewal fee specified in Section 34-43A-12,
815 and a then current curriculum and list of active massage
816 therapy instructors teaching at the school.

817 (4) On or before July 1, 2025, be certified by the
818 National Certification Board for Therapeutic Massage and
819 Bodywork as an assigned school.

820 (b) Every massage therapy instructor teaching a course
821 in massage therapy at a massage therapy school located in this
822 state shall be licensed by the board as a massage therapist
823 and registered as a massage therapy instructor. Instructors
824 who are not teaching massage therapy do not need to be
825 registered. An adjunct massage therapy instructor shall be
826 dually licensed in the state where he or she resides or be
827 nationally certified, or both.

828 (c) An applicant for registration as a massage therapy
829 instructor shall satisfy all of the following requirements:

830 (1) Be currently licensed as a massage therapist in
831 this state.

832 (2) Submit to the board a completed application as
833 prescribed by the board and the application fee specified in
834 Section 34-43A-12.

835 (3) Submit documentation of three years of experience
836 in the practice of massage therapy. The documentation may be
837 considered by the board on a case-by-case basis.

838 §34-43A-19

839 (a) The board is subject to the Alabama Sunset Law of
840 1981, and is classified as an enumerated agency pursuant to



841 Section 41-20-3. The board shall automatically terminate on
842 October 1, 2026, and every four years thereafter, unless
843 continued pursuant to the Alabama Sunset Law.

844 (b) The board shall adopt a program of continuing
845 education for licensees which shall be a requisite for the
846 renewal of licenses issued pursuant to this chapter and shall
847 not exceed the requirements of a board-approved nationally
848 recognized board certification organization such as the
849 National Certification Board for Therapeutic Massage and
850 Bodywork.

851 Section 4. The Legislature concurs in the
852 recommendations of the Sunset Committee as provided in
853 Sections 1, 2, and 3.

854 Section 5. Although this bill would have as its purpose
855 or effect the requirement of a new or increased expenditure of
856 local funds, the bill is excluded from further requirements
857 and application under Section 111.05 of the Constitution of
858 Alabama of 2022, because the bill defines a new crime or
859 amends the definition of an existing crime.

860 Section 6. This act shall become effective June 1,
861 2024.