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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to terminate the existence and functioning of the Alabama Board of Massage Therapy; to create the Alabama Massage Therapy Licensing Board pursuant to a new Chapter 43A, Title 34, Code of Alabama 1975; to provide for the membership and organization of the new board under the initial temporary oversight of the Board of Nursing; to provide for the transfer of all powers, duties, rights, records, and property from the former board to the new board; to temporarily extend the renewal date of certain licenses and registrations issued by the former board; and to repeal Chapter 43, Title 34, Code of Alabama 1975, providing for the Alabama Board of Massage Therapy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the termination of the Alabama Board of Massage Therapy, with the additional recommendation for statutory change as set out in Sections 2(a) and 3.

Section 2. (a) The existence and functioning of the Alabama Board of Massage Therapy, created and functioning pursuant to Chapter 43 of Title 34, Code of Alabama 1975, is



29 terminated, and those code sections are expressly repealed.

30 (b) (1) Commencing on June 1, 2024, the Alabama Board of
31 Massage Therapy shall be reconstituted as the Alabama Massage
32 Therapy Licensing Board and all powers, duties, and functions
33 of the new board shall be temporarily assumed and performed by
34 the Board of Nursing pending the reconstitution of the Alabama
35 Massage Therapy Licensing Board as provided in Section 3.
36 Additionally, commencing on June 1, 2024, the Executive
37 Officer of the Board of Nursing shall temporarily assume and
38 perform all duties, responsibilities and functions of the
39 position of an executive officer for the Alabama Massage
40 Therapy Licensing Board, as defined in Section 34-43A-2,
41 pending the appointment of an executive officer by the new
42 Alabama Massage Therapy Licensing Board.

43 (2) During the temporary transfer commencing on June 1,
44 2024, all personnel of the Board of Nursing may act as agents
45 of and may perform those duties, responsibilities, and
46 functions determined necessary by the Executive Officer of the
47 Board of Nursing to support the Alabama Massage Therapy
48 Licensing Board, created in Section 3, until those duties,
49 responsibilities, and functions temporarily assumed by the
50 Executive Officer of the Board of Nursing pursuant to
51 subdivision (1) are transferred to the executive officer of
52 the newly reconstituted Alabama Massage Therapy Licensing
53 Board pursuant to subdivision (3). During the temporary
54 transfer the Board of Nursing, on behalf of the Alabama
55 Massage Therapy Licensing Board, may employ and train
56 individuals subject to the state Merit System for the Alabama



57 Massage Therapy Licensing Board.

58 (3) All powers, duties, and functions temporarily
59 assumed and performed by the Board of Nursing and the
60 Executive Officer of the Board of Nursing pursuant to
61 subdivision (1), shall be transferred to the Alabama Massage
62 Therapy Licensing Board, as created by Chapter 43A of Title
63 34, Code of Alabama 1975, on or before October 1, 2026.

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

66 §34-43A-1. Short title.

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

69 §34-43A-2. Definitions.

70 For purposes of this chapter, the following terms have
71 the following meanings:

72 (1) ADVERTISE. To distribute a card, flier, sign, or
73 device to any individual or entity, or allow any sign or
74 marking on any building, radio, television, or to publicize by
75 any other means designed to attract public attention.

76 (2) BOARD. The Alabama Massage Therapy Licensing Board
77 created by this chapter.

78 (3) EXAMINATION. The National Certification Board for
79 Therapeutic Massage and Bodywork Examination or the Federation
80 of State Massage Therapy Board's Massage and Bodywork
81 Licensing Examination administered by an independent agency or
82 another nationally or internationally accredited examination
83 administered by an independent agency approved by the board,
84 or state examination administered by the board. The national



85 examination shall be accredited by the National Commission for
86 Certifying Agencies. The board may also administer a written,
87 oral, or practical examination.

88 (4) EXECUTIVE DIRECTOR. The Executive Director of the
89 Alabama Massage Therapy Licensing Board.

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

93 (6) MASSAGE THERAPIST. An individual licensed pursuant
94 to this chapter who practices or administers massage therapy
95 or related touch therapy modalities to a patron for
96 compensation.

97 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
98 business where massage therapy is practiced by a massage
99 therapist.

100 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
101 is approved by the board to teach the practice of massage
102 therapy.

103 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
104 MODALITIES. a. The mobilization of the soft tissue which may
105 include skin, fascia, tendons, ligaments, and muscles, for the
106 purpose of establishing and maintaining good physical
107 condition.

108 b. The term includes effleurage, petrissage,
109 tapotement, compression, vibration, stretching, heliotherapy,
110 superficial hot and cold applications, topical applications,
111 or other therapy that involves movement either by hand,
112 forearm, elbow, or foot, for the purpose of therapeutic



113 massage, and any massage, movement therapy, massage
114 technology, myotherapy, massotherapy, oriental massage
115 techniques, structural integration, acupressure, or polarity
116 therapy.

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

123 d. The term does not include laser therapy, microwave,
124 injection therapy, manipulation of the joints, or any
125 diagnosis or treatment of an illness that normally involves
126 the practice of medicine, chiropractic, physical therapy,
127 podiatry, nursing, midwifery, occupational therapy,
128 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
129 naturopathics.

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

133 a. If located in Alabama, approved by the board as
134 meeting the minimum established standards of training and
135 curriculum as determined by the board.

136 b. If located outside of Alabama, recognized by the
137 board and by a regionally recognized professional accrediting
138 body.

139 c. A postgraduate training institute accredited by the
140 Commission on Massage Therapy Accreditation.



141 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
142 parlor, nude studio, modeling studio, love parlor, adult
143 bookstore, adult movie theater, adult video arcade, adult
144 motel, or other commercial enterprise which has the offering
145 for sale, rent, or exhibit, or the exhibit of, items or
146 services intended to provide sexual stimulation or sexual
147 gratification to the patron.

148 (12) STUDENT. Any individual who is enrolled in a
149 massage therapy school.

150 §34-43A-3. Regulated activities.

151 Except as specifically provided by this chapter, no
152 individual may do any of the following unless licensed
153 pursuant to this chapter:

154 (1) Advertise that he or she performs massage therapy
155 or related touch therapy modalities.

156 (2) Hold himself or herself out to the public as a
157 massage therapist, using any name or description denoting
158 himself or herself as a massage therapist, or purporting to
159 have the skills necessary to perform massage therapy.

160 (3) Practice massage therapy.

161 §34-43A-4. Exemptions.

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

164 (1) A student who is rendering massage therapy services
165 under the supervision of a massage therapy instructor, or any
166 other supervisory arrangement recognized and approved by the
167 board including, but not limited to, a temporary permit. A
168 student shall be designated by title clearly indicating his or



169 her training status.

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

175 (3) An individual providing massages to his or her
176 immediate family.

177 (4) An individual offering massage therapy instruction
178 who is visiting from another state, territory, or country,
179 provided that the individual is licensed or registered as
180 required in his or her place of residence. A visiting
181 instructor may teach continuing education courses in this
182 state for up to 100 hours per year without being licensed by
183 the board. A visiting instructor who teaches continuing
184 education courses in this state for 100 hours or more per year
185 is required to be licensed by the board.

186 (5) Members of the Massage Emergency Rescue Team
187 (MERT), or any other nationally or internationally recognized
188 disaster relief association, who practice massage therapy in
189 this state only during a time declared by the Governor or the
190 Legislature to be a city, county, or state emergency. These
191 therapists may work in this state for a period of time
192 approved by the board.

193 (6) A Native American healer using traditional healing
194 practices. A Native American healer who applies to the board
195 for a massage therapist license shall comply with all
196 licensing requirements.



197 (7) An individual acting under the supervision of a
198 physician, a physical therapist, or a chiropractor within the
199 scope of his or her license, provided that the individual does
200 not represent himself or herself as a massage therapist.

201 (8) The office of a chiropractor, physician, or
202 physical therapist which employs or contracts with a massage
203 therapist who is exempt from an establishment license.

204 (b) Nothing in this chapter shall be construed to
205 authorize massage therapists to administer, dispense, or
206 prescribe drugs, or engage in the practice of medicine in any
207 manner including, but not limited to, nutrition, diagnosing or
208 prescribing drugs for mental, emotional, or physical disease,
209 illness, or injury.

210 §34-43A-5. Alabama Massage Therapy Licensing Board.

211 (a) (1) There is created the Alabama Massage Therapy
212 Licensing Board. The purpose of the board is to protect the
213 health, safety, and welfare of the public by ensuring that
214 massage therapists, massage therapy schools, and massage
215 therapy instructors meet prescribed standards of education,
216 competency, and practice. To accomplish this mission, the
217 board shall establish standards to ensure completion of all
218 board functions in a timely and effective manner and to
219 provide open and immediate access to all relevant public
220 information. The board shall communicate its responsibilities
221 and services to the public as part of its consumer protection
222 duties. The board shall develop and implement a long range
223 plan to ensure effective regulation and consumer protection.

224 (2) All rights, duties, records, property, real or



225 personal, and all other effects existing in the name of the
226 Alabama Board of Massage Therapy, formerly created and
227 functioning pursuant to Chapter 43, or in any other name by
228 which that board has been known, shall continue in the name of
229 the Alabama Massage Therapy Licensing Board. Any reference to
230 the former Alabama Board of Massage Therapy, or any other name
231 by which that board has been known, in any existing law,
232 contract, or other instrument shall constitute a reference to
233 the Alabama Massage Therapy Licensing Board as created in this
234 chapter. All actions of the former Alabama Board of Massage
235 Therapy or the executive director of the former board done
236 prior to June 1, 2024, are approved, ratified, and confirmed.

237 (3) The status of any individual or entity properly
238 licensed, accredited, or registered by the former Alabama
239 Board of Massage Therapy on June 1, 2024, shall continue under
240 the jurisdiction of the Alabama Massage Therapy Licensing
241 Board. Any license, accreditation, or registration subject to
242 renewal on or before October 1, 2024, pursuant to this chapter
243 may be temporarily extended by six months unless and until
244 otherwise provided by rule of the board.

245 (b) (1) The board shall consist of the following nine
246 members:

247 a. Three active licensees appointed by the Governor.

248 b. Two active licensees appointed by the Lieutenant
249 Governor and one at-large member appointed by the Lieutenant
250 Governor.

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



253 the Speaker of the House of Representatives.

254 (2) The seven active massage therapist licensee members
255 of the board shall be appointed so that not more than one
256 active licensee member from each United States Congressional
257 District in the state is appointed to serve at the same time.
258 The two members appointed from the state at large shall have
259 never been licensed as massage therapists nor have had any
260 direct financial interest in the massage therapy profession.
261 One of the at-large members shall have extensive knowledge of
262 sex trafficking and related law enforcement efforts to defeat
263 sex trafficking. The at-large member appointed by the
264 Lieutenant Governor and the at-large member appointed by the
265 Speaker of the House of Representatives shall be appointed
266 from a list of three names each provided by the Minority
267 Leader of the Senate and the Minority Leader of the House of
268 Representatives, respectively. The appointing authorities
269 shall coordinate their appointments to assure the board
270 membership is inclusive and reflects the racial, gender,
271 geographic, urban, rural, and economic diversity of the state.

272 (3) The members initially appointed to the board shall
273 be appointed not later than July 1, 2024. Each board member
274 shall be selected upon personal merit and qualifications, not
275 per membership or affiliation with an association. Each board
276 member shall be a citizen of the United States and a resident
277 of this state for two years immediately preceding appointment.
278 No member of the board shall serve more than two full
279 consecutive terms.

280 (c) Of the initial nine appointees to the board, three



281 members shall be appointed for terms of two years, three
282 members shall be appointed for terms of three years, and three
283 members shall be appointed for terms of four years as
284 determined by lottery. Thereafter, successors shall be
285 appointed for terms of four years, each term expiring on June
286 30.

287 (d) Vacancies on the board occurring prior to the
288 expiration of a term shall be filled by the original
289 appointing authority within 30 days after the vacancy, to
290 serve for the remainder of the unexpired term. Each member of
291 the board shall serve until his or her successor has been duly
292 appointed and qualified.

293 (e) The board shall hold its first meeting within 30
294 days after the initial members are appointed. At the first
295 meeting, and annually thereafter in the month of October, the
296 board shall elect a chair and a vice chair from its
297 membership. The board shall hold two biannual meetings for the
298 purpose of reviewing license applications. The board may hold
299 additional meetings at the discretion of the chair and four
300 members of the board. A quorum of the board shall be a
301 majority of the current appointed board members. Upon the
302 written request of any individual, submitted to the board at
303 least 24 hours in advance of a scheduled meeting, the meeting
304 shall be recorded electronically, and a copy of the recording
305 shall be made available, upon request, for 30 calendar days
306 following the date of the recording.

307 (f) Board members shall not receive compensation for
308 their services, but shall receive the same per diem and



309 allowance as provided to state employees for each day the
310 board meets and conducts business.

311 (g) (1) Commencing on September 30, 2026, the board may
312 employ, and at its pleasure discharge, an executive director
313 in the unclassified service, officers, and employees subject
314 to the state Merit System as necessary to implement this
315 chapter.

316 (2) When necessary, the board may retain outside
317 counsel who satisfies the qualifications required of a deputy
318 attorney general.

319 (h) An affirmative vote of a majority of the members of
320 the board shall be required to grant, suspend, or revoke a
321 license to practice massage therapy or a license to operate a
322 massage therapy establishment.

323 (i) The board shall be financed only from income
324 accruing to the board from fees, licenses, other charges and
325 funds collected by the board, and any monies that are
326 appropriated to the board by the Legislature.

327 (j) A board member may be removed at the request of the
328 board for misfeasance, malfeasance, neglect of duty,
329 commission of a felony, incompetence, permanent inability to
330 perform official duties, or failing to attend two consecutive
331 properly noticed meetings within a one-year period.

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

335 (l) Appointees to the board shall take the
336 constitutional oath of office and shall file the oath in the



337 office of the Governor before undertaking any duties as a
338 board member. Upon receiving the oath, the Governor shall
339 issue a certificate of appointment to each appointee.

340 §34-43A-6. Powers and duties of board.

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

342 (1) Qualify applicants to take the licensing
343 examination and issue licenses to successful applicants.

344 (2) Adopt a seal and affix the seal to all licenses
345 issued by the board. All licenses shall be on pre-printed,
346 sequentially numbered certification forms.

347 (3) Create application forms for examination and
348 licensing and assess and collect fees pursuant to this
349 chapter.

350 (4) Maintain a complete record of all massage
351 therapists and annually prepare a roster of the names and
352 addresses of those licensees. A copy of the roster shall be
353 provided to any individual upon request and the payment of a
354 fee established by the board in an amount sufficient to cover
355 the costs of publication and distribution.

356 (5) Provide for the investigation of any individual who
357 is suspected of violating this chapter.

358 (6) Adopt and revise rules as necessary to implement
359 this chapter pursuant to the Administrative Procedure Act. All
360 administrative rules of the former Alabama Board of Massage
361 Therapy existing on June 1, 2024, which reference Chapter 43,
362 unless in conflict with existing law, shall remain in effect
363 as rules of the Alabama Massage Therapy Licensing Board until
364 amended or repealed by that board.



365 (7) Provide a copy of this chapter, upon request, to
366 any licensee or applicant for a license.

367 (8) By rule, require massage therapists, massage
368 therapy establishments, and massage therapy schools to carry
369 professional and general liability insurance with an "A" rated
370 or better insurance carrier in the amount of at least one
371 million dollars (\$1,000,000). Proof of coverage shall be
372 provided to the board upon request.

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

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

376 (1) Accept or deny the application of any individual
377 applying for a license as a massage therapist upon an
378 affirmative vote of a majority of the board.

379 (2) By rule, establish criteria for certifying massage
380 therapy instructors.

381 (3) Adopt an annual budget and authorize necessary
382 expenditures from fees and other available appropriations. The
383 expenditures of the board may not exceed the revenues of the
384 board in any fiscal year.

385 (4) Adopt a code of ethics.

386 (5) Provide for the inspection of the business premises
387 of any licensee during normal business hours, upon complaint.

388 (6) Establish a list of approved massage therapy
389 schools.

390 §34-43A-7. License required; sexually-oriented
391 businesses; limitations on advertising or offers of service.

392 (a) No individual may perform the duties of a massage



393 therapist unless he or she holds a valid license issued by the
394 board.

395 (b) A massage therapist may not perform massage therapy
396 for a sexually-oriented business, and shall be subject to all
397 sections of Article 3 of Chapter 12 of Title 13A.

398 (c) A massage therapist may not advertise or offer to
399 perform services outside the scope of his or her expertise,
400 experience, and education for any client who is ill or has a
401 physical dysfunction, unless the services are performed in
402 conjunction with a licensed physician, physical therapist, or
403 chiropractor.

404 (d) A massage therapist or massage therapy
405 establishment may not advertise or offer to perform services
406 on any sexually explicit website or online platform that
407 promotes prostitution, sexually explicit services, or human
408 trafficking.

409 §34-43A-8. Application for license; licensing
410 requirements.

411 (a) An individual desiring to be licensed as a massage
412 therapist shall apply to the board on forms provided by the
413 board. Unless licensed pursuant to subsection (b), an
414 applicant for a license shall submit evidence satisfactory to
415 the board that he or she has met all of the following
416 requirements:

417 (1)a. Completed a minimum of 650 hours of instruction
418 which shall consist of all of the following:

419 1. One hundred hours of anatomy and physiology,
420 including 35 hours of myology, 15 hours of osteology, 10 hours



421 of circulatory system, and 10 hours of nervous system, with
422 the remaining 30 hours addressing other body systems at the
423 discretion of the massage therapy school.

424 2. Two hundred fifty hours of basic massage therapy,
425 the contradistinctions of massage therapy, and related touch
426 therapy modalities, including a minimum of 50 hours of
427 supervised massage.

428 3. Fifty hours of business, hydrotherapy, first aid,
429 cardiopulmonary resuscitation, professional ethics, and state
430 massage therapy laws.

431 4. Two hundred fifty hours of electives as determined
432 by the massage therapy school.

433 b. The board, by rule, may increase the minimum number
434 of hours of instruction required for a license, not to exceed
435 the number of hours recommended by the National Certification
436 Board for Therapeutic Massage and Bodywork.

437 c. In addition to paragraphs a. and b., to perform
438 therapeutic massage on an animal, a massage therapist shall
439 have also graduated from a nationally approved program and
440 completed at least 100 hours of postgraduate training and
441 education in animal anatomy, pathology, and physiology for the
442 specific type of animal upon which he or she will perform
443 therapeutic massage.

444 (2) Successfully passed a state board exam or a
445 national standardized examination approved by the board. The
446 board may approve other state exams on a case-by-case basis.

447 (3) Completed a criminal history background check
448 pursuant to Section 34-43A-13(c).



449 (4) Paid all applicable fees.

450 (b) Notwithstanding the requirements listed in
451 subdivisions (1) and (2) of subsection (a), the board may
452 license an applicant who is licensed or registered to practice
453 massage therapy in another state if the standards of practice
454 or licensing of that state, at the time the applicant was
455 originally licensed or registered, were equal to or stricter
456 than the requirements imposed by this chapter. All applicants
457 may be subject to an initial in-person board hearing
458 determined by the board.

459 (c) Upon receipt of an application, the board shall
460 notify the applicant that his or her application is pending
461 and shall also notify the applicant upon the approval or
462 rejection of his or her application. If an application is
463 rejected, the board shall notify the applicant of the reasons
464 for the rejection.

465 §34-43A-9. Licensing of massage therapy establishments;
466 initial inspection.

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

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

472 (c) A massage therapy establishment shall contract with
473 or employ only licensed massage therapists to perform massage
474 therapy. Every massage therapist shall be registered with the
475 board and one of them shall be designated as the individual
476 who will ensure that the massage therapy establishment



477 complies with state law and all applicable administrative
478 rules.

479 (d) A massage therapy establishment license is not
480 assignable or transferable.

481 (e) If the holder of a massage therapy establishment
482 license moves the location of the massage therapy
483 establishment without changing either the name or ownership of
484 that massage therapy establishment, the board shall waive the
485 new establishment license fee, if documentation set by rule of
486 the board is approved. This subsection shall not change the
487 expiration date of a massage therapy establishment license.

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

492 (2) An applicant for a massage therapy establishment
493 license, who is a massage therapist and has completed a
494 criminal history background check as required by the board
495 within the preceding two years, is exempt from completing the
496 criminal history background check required in subdivision (1).

497 (g) The physical location of a proposed massage therapy
498 establishment shall be subject to an initial inspection by the
499 board before a massage therapy establishment license is
500 granted to the applicant.

501 (h) If the physical location of a massage therapy
502 establishment has been shut down by the board or by local,
503 state, or federal law enforcement, the physical location is
504 permanently prohibited from being licensed or operating as a



505 massage therapy establishment.

506 §34-43A-10. Application forms; issuance of license;
507 display of license.

508 (a) Applications for licensing and renewal of a license
509 shall be on forms provided by the board and shall be
510 accompanied by the applicable fee. A recent two-by-two inch
511 photograph showing a frontal view of the head and shoulders of
512 the applicant for a massage therapy or therapy instructor
513 license and applicant for a massage therapy establishment
514 license, taken no more than six months earlier, shall be
515 submitted with each application. All documents shall be
516 submitted in English.

517 (b) The board may deny the application of any applicant
518 who refuses to complete a criminal history background check as
519 required by the board and provided in Section 34-43A-13(c).

520 (c) The board shall issue a license, on a pre-printed
521 sequentially numbered form, to each individual who qualifies
522 to be a massage therapist and to each qualified applicant for
523 a massage therapy establishment license. A license issued by
524 the board grants all professional rights, honors, and
525 privileges relating to the practice of massage therapy.

526 (d) Each massage therapist shall display his or her
527 license in the manner specified by the board. Each massage
528 therapy establishment shall prominently post its license, and
529 the license of each massage therapist who practices within the
530 massage therapy establishment, in plain sight at the massage
531 therapy establishment.

532 (e) A license is the property of the board and shall be



533 surrendered upon demand of the board.

534 §34-43A-11. License renewal; reinstatement.

535 (a) With the exception of massage therapy schools,
536 which register annually, each license shall be renewed
537 biennially, on or before the anniversary date, by forwarding
538 to the board a renewal application accompanied by the renewal
539 fee. Except as provided in Section 34-43A-5(a)(3), any license
540 not renewed biennially on or before the anniversary date shall
541 expire.

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

544 (1) Submit evidence of satisfactory completion of the
545 continuing education requirements pursuant to Section
546 34-43A-19.

547 (2) Complete a new criminal history background check
548 pursuant to rules adopted by the board. The board may deny the
549 application for renewal of any licensee who refuses to
550 complete a criminal history background check as required by
551 the board.

552 (c) Licenses are valid for two years from the date of
553 issuance. An individual whose license has expired and who has
554 ceased to practice massage therapy for a period of not longer
555 than five years may have his or her license reinstated upon
556 payment of a reactivation fee, the submission of a renewal
557 application, and evidence satisfactory to the board that the
558 applicant has fulfilled continuing education requirements,
559 completed a criminal history background check as provided in
560 Section 34-43A-13(c), paid the criminal history background



561 check fee, and passed the examination.

562 §34-43A-12. Alabama Massage Therapy Licensing Board
563 Fund.

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

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

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

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

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

577 (5) One hundred dollars (\$100) to register and renew
578 registration as a massage therapy instructor in this state.

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

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

584 (8) Ten dollars (\$10) for a duplicate license
585 certificate or a name change on a license certificate. The
586 board may issue a duplicate certificate for each massage
587 therapy establishment on file with the board where the massage
588 therapist practices massage therapy. The board may issue



589 additional duplicate certificates only after receiving a sworn
590 letter from the massage therapist that an original certificate
591 was lost, stolen, or destroyed. The board shall maintain a
592 record of each duplicate certificate issued.

593 (b) Necessary administrative fees may be charged by the
594 board including, but not limited to, reasonable costs for
595 copying, labels, and lists, and the actual costs for
596 completing a criminal history background check. Examination
597 and license fees may be adjusted by rule of the board.

598 (c) Commencing on June 1, 2024, the name of the
599 separate special revenue trust fund in the State Treasury
600 known as the Alabama Board of Massage Therapy Fund shall be
601 renamed and then known as the Alabama Massage Therapy
602 Licensing Board Fund. All receipts collected by the board
603 under this chapter shall be deposited in this fund and used
604 only to carry out this chapter. Receipts shall be disbursed
605 only by warrant of the Comptroller, upon itemized vouchers
606 approved by the chair of the board. No funds shall be
607 withdrawn except as budgeted and allotted according to
608 Sections 41-4-80 to 41-4-96, inclusive, 41-19-1, and 41-19-12,
609 and only in amounts as stipulated in the general
610 appropriations bill or other appropriations bills.

611 §34-43A-13. Complaints; grounds for suspension,
612 revocation, etc., of license; penalties; rulemaking authority.

613 (a) Any individual may file with the board a written
614 complaint regarding an allegation of impropriety by a massage
615 therapist, massage therapy establishment, or other individual.
616 Complaints shall be made in the manner prescribed by the



617 board. Complaints received by the board shall be referred to a
618 standing investigative committee consisting of a board member,
619 the board attorney, and the board investigator. If no probable
620 cause is found, the investigative committee may dismiss the
621 charges and prepare a statement, in writing, of the reasons
622 for that decision.

623 (b) If probable cause is found, the board shall
624 initiate an administrative proceeding. Upon a finding that the
625 licensee has committed any of the following misconduct, the
626 board may suspend, revoke, or refuse to issue or renew a
627 license or impose a civil penalty after notice and opportunity
628 for a hearing pursuant to the Administrative Procedure Act:

629 (1) The license was obtained by means of fraud,
630 misrepresentation, fraudulent transcripts, invalidated exam
631 scores, or concealment of material facts, including making a
632 false statement on an application or any other document
633 required by the board for licensing.

634 (2) The licensee sold or bartered or offered to sell or
635 barter a license for a massage therapist or a massage therapy
636 establishment.

637 (3) The licensee has engaged in unprofessional conduct
638 that has endangered or is likely to endanger the health,
639 safety, and welfare of the public, as defined by the rules of
640 the board.

641 (4) The licensee has been convicted of a felony or of
642 any crime arising out of or connected with the practice of
643 massage therapy.

644 (5) The licensee has violated or aided and abetted in



645 the violation of this chapter.

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

648 (7) The licensee uses controlled substances or
649 habitually and excessively uses alcohol.

650 (8) The licensee engaged in false, deceptive, or
651 misleading advertising.

652 (9) The licensee engaged in or attempted to or offered
653 to engage a client in sexual activity, including, but not
654 limited to, genital contact, within the client-massage
655 therapist relationship.

656 (10) The licensee has knowingly allowed the massage
657 therapy establishment to be used as an overnight sleeping
658 accommodation.

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

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

664 (c) (1) Subsequent to an official complaint, and for
665 other requirements established by this chapter, including for
666 the purpose of determining an applicant's suitability for a
667 license or the renewal of a license to practice massage
668 therapy, the board may request a criminal history background
669 check of the licensee. Each applicant shall submit a complete
670 set of fingerprints and a form, sworn to by the applicant,
671 providing written consent from the applicant for the release
672 of criminal history background check information to the board.



673 (2) The board shall submit the fingerprints and form
674 provided by each applicant to the Alabama State Law
675 Enforcement Agency (ALEA). The applicant may be fingerprinted
676 by ALEA at the time of the form submission. ALEA shall conduct
677 a check of state records and forward the fingerprints to the
678 FBI for a national criminal history background check.

679 (3) The results of the state and national criminal
680 history background check records shall be returned to the
681 board by ALEA.

682 (4) The board shall reimburse ALEA for conducting
683 criminal history background checks according to the fee
684 schedule adopted by the Alabama Justice Information
685 Commission.

686 (5) Any criminal history background check reports
687 received by the board from ALEA shall be marked confidential
688 and shall not be disclosed or made available for public
689 inspection. All criminal history background check reports
690 received pursuant to this section are specifically excluded
691 from any requirement of public disclosure as a public record.
692 Reports received may only be used for the purposes described
693 in this chapter. All information provided is subject to the
694 rules established by the Alabama Justice Information
695 Commission and Public Law 92-544. An individual that uses a
696 criminal history background check report for purposes other
697 than those provided in this chapter may be subject to criminal
698 charges under Sections 41-9-601 and 41-9-602.

699 (d) An individual governed by this chapter, who has a
700 reasonable belief that another massage therapist has violated



701 this chapter, shall inform the board in writing within 30
702 calendar days after the date the individual discovers this
703 activity. Upon finding that an individual has violated this
704 subsection by not informing the board as required, the board
705 may do any of the following:

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

709 b. Suspend or revoke the individual's license to
710 practice massage therapy.

711 (e) The license of any individual who has been
712 convicted of, or has entered a plea of nolo contendere to, a
713 crime or offense involving prostitution or any other type of
714 sexual offense shall be permanently revoked by the board
715 according to the Administrative Procedures Act.

716 (f) The massage therapy establishment license of any
717 massage therapy establishment wherein an individual has been
718 convicted of, or entered a plea of nolo contendere to, an
719 offense involving prostitution or any other type of sexual
720 offense against a client, or which the board determines is a
721 sexually-oriented business, shall be permanently revoked by
722 the board according to the Administrative Procedures Act.

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

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



729 b. Issue a cease and desist order.

730 c. Petition the circuit court of the county where the
731 act occurred to enforce the cease and desist order and collect
732 the assessed fine.

733 (2) Any individual aggrieved by any adverse action of
734 the board may appeal the action to the Circuit Court of
735 Montgomery County.

736 (h) The board shall present any incident deemed serious
737 misconduct by the board to the local district attorney for
738 review and appropriate legal action.

739 (i) The board may adopt rules to implement and
740 administer this section.

741 §34-43A-14. Use of words massage or bodywork or other
742 advertising descriptions by unlicensed individuals.

743 An individual who does not hold a license as a massage
744 therapist, physical therapist, chiropractor, or athletic
745 trainer, or a license for a massage therapy establishment,
746 shall not use the words massage or bodywork on any sign or
747 other form of advertising describing services performed by the
748 individual or within the establishment. Any advertisement by a
749 massage therapist or massage therapy establishment shall
750 contain the license number of the massage therapist or massage
751 therapy establishment.

752 §34-43A-15. Criminal penalties.

753 Any individual who violates this chapter shall be
754 guilty of a Class C misdemeanor.

755 §34-43A-16. Injunction; civil penalty.

756 (a) In addition to the criminal penalty prescribed by



757 this chapter, the board may seek an injunction against any
758 individual or establishment in violation of this chapter.

759 (b) In an action for an injunction, the board may
760 demand and recover a civil penalty of fifty dollars (\$50) per
761 day for each violation, reasonable attorney fees, and court
762 costs.

763 §34-43A-17. Construction with other regulations.

764 (a) Except as otherwise provided in subsection (b),
765 this chapter shall supersede any regulation adopted by a
766 political subdivision of the state related to the licensing or
767 regulation of massage therapists and massage therapy
768 establishments.

769 (b) This section shall not affect:

770 (1) Local regulations relating to zoning requirements
771 or occupational license taxes pertaining to massage therapists
772 and massage therapy establishments.

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

775 (c) A county, or a municipality within its
776 jurisdiction, may regulate individuals licensed pursuant to
777 this chapter. Regulation shall be consistent with this chapter
778 and shall not supersede this chapter. This section shall not
779 be construed to prohibit a county or municipality from
780 regulating individuals not licensed pursuant to this chapter.

781 §34-43A-18. Massage therapy schools; instructors.

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

784 (1) Submit to the board a completed application



785 prescribed by the board and the registration fee specified in
786 Section 34-43A-12.

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

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

794 (4) Commencing on October 1, 2025, submit proof to the
795 board of registration as an assigned school through the
796 National Certification of Therapeutic Massage and Bodywork
797 Board (NCBTMB).

798 (b) Except as provided in Section 34-43A-4(a)(4), every
799 massage therapy instructor teaching a course in massage
800 therapy at a massage therapy school located in this state
801 shall be licensed by the board as a massage therapist and
802 registered as a massage therapy instructor. Instructors who
803 are not teaching massage therapy do not need to be registered.
804 An adjunct massage therapy instructor shall be dually licensed
805 in the state where he or she resides or be nationally
806 certified, or both.

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

809 (1) Be currently licensed as a massage therapist in
810 this state.

811 (2) Submit to the board a completed application as
812 prescribed by the board and the one-time application fee



813 specified in Section 34-43A-12.

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

817 §34-43A-19. Sunset provision; continuing education.

818 (a) The board is subject to the Alabama Sunset Law of
819 1981, and is classified as an enumerated agency pursuant to
820 Section 41-20-3. The board shall automatically terminate on
821 October 1, 2026, and every four years thereafter, unless
822 continued pursuant to the Alabama Sunset Law.

823 (b) The board shall adopt a program of continuing
824 education for licensees which shall be a requisite for the
825 renewal of licenses issued pursuant to this chapter and not
826 exceed the requirements of a board-approved nationally
827 recognized board certification organization such as the
828 National Certification Board for Therapeutic Massage and
829 Bodywork.

830 Section 4. The Legislature concurs in the
831 recommendations of the Sunset Committee as provided in
832 Sections 1, 2, and 3.

833 Section 5. This act shall become effective June 1,
834 2024.