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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 Section 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29 terminated, and those code sections are expressly repealed.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 the executive director 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 director of
52 the newly reconstituted Alabama Massage Therapy Licensing
53 Board pursuant to subdivision (3).

54 (3) All powers, duties, and functions temporarily
55 assumed and performed by the Board of Nursing pursuant to
56 subdivision (1), shall be transferred to the Alabama Massage



57 Therapy Licensing Board, as created by Chapter 43A of Title
58 34, Code of Alabama 1975, on or before August 1, 2025, and all
59 duties and functions temporarily assumed by the Executive
60 Officer of the Board of Nursing pursuant to subdivision (1).

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

63 §34-43A-1. Short title.

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

66 §34-43A-2. Definitions.

67 For purposes of this chapter, the following terms have
68 the following meanings:

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

73 (2) BOARD. The Alabama Massage Therapy Licensing Board
74 created by this chapter.

75 (3) EXAMINATION. The National Certification Board for
76 Therapeutic Massage and Bodywork Examination or the Federation
77 of State Massage Therapy Board's Massage and Bodywork
78 Licensing Examination administered by an independent agency or
79 another nationally or internationally accredited examination
80 administered by an independent agency approved by the board,
81 or state examination administered by the board. The national
82 examination shall be accredited by the National Commission for
83 Certifying Agencies. The board may also administer a written,
84 oral, or practical examination.



85 (4) LICENSE. The credential issued by the board which
86 allows the holder to engage in the safe and ethical practice
87 of massage therapy.

88 (5) MASSAGE THERAPIST. An individual licensed pursuant
89 to this chapter who practices or administers massage therapy
90 or related touch therapy modalities to a patron for
91 compensation.

92 (6) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
93 business where massage therapy is practiced by a massage
94 therapist.

95 (7) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
96 is approved by the board to teach the practice of massage
97 therapy.

98 (8) MASSAGE THERAPY or RELATED TOUCH THERAPY
99 MODALITIES. a. The mobilization of the soft tissue which may
100 include skin, fascia, tendons, ligaments, and muscles, for the
101 purpose of establishing and maintaining good physical
102 condition.

103 b. The term includes effleurage, petrissage,
104 tapotement, compression, vibration, stretching, heliotherapy,
105 superficial hot and cold applications, topical applications,
106 or other therapy that involves movement either by hand,
107 forearm, elbow, or foot, for the purpose of therapeutic
108 massage, and any massage, movement therapy, massage
109 technology, myotherapy, massotherapy, oriental massage
110 techniques, structural integration, acupressure, or polarity
111 therapy.

112 c. The term massage therapy may include the external



113 application and use of herbal or chemical preparations and
114 lubricants including, but not limited to, salts, powders,
115 liquids, nonprescription creams, cups, mechanical devices such
116 as T-bars, thumpers, body support systems, heat lamps, hot and
117 cold packs, salt glow, steam cabinet baths, or hydrotherapy.

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

125 (9) MASSAGE THERAPY SCHOOL. A school, approved by the
126 board, where massage therapy is taught and which is one of the
127 following:

128 a. If located in Alabama, approved by the board as
129 meeting the minimum established standards of training and
130 curriculum as determined by the board.

131 b. If located outside of Alabama, recognized by the
132 board and by a regionally recognized professional accrediting
133 body.

134 c. A postgraduate training institute accredited by the
135 Commission on Massage Therapy Accreditation.

136 (10) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
137 parlor, nude studio, modeling studio, love parlor, adult
138 bookstore, adult movie theater, adult video arcade, adult
139 motel, or other commercial enterprise which has the offering
140 for sale, rent, or exhibit, or the exhibit of, items or



141 services intended to provide sexual stimulation or sexual
142 gratification to the patron.

143 (11) STUDENT. Any individual who is enrolled in a
144 massage therapy school.

145 §34-43A-3. Regulated activities.

146 Except as specifically provided by this chapter, no
147 individual may do any of the following unless licensed
148 pursuant to this chapter:

149 (1) Advertise that he or she performs massage therapy
150 or related touch therapy modalities.

151 (2) Hold himself or herself out to the public as a
152 massage therapist, using any name or description denoting
153 himself or herself as a massage therapist, or purporting to
154 have the skills necessary to perform massage therapy.

155 (3) Practice massage therapy.

156 §34-43A-4. Exemptions.

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

159 (1) A student who is rendering massage therapy services
160 under the supervision of a massage therapy instructor, or any
161 other supervisory arrangement recognized and approved by the
162 board including, but not limited to, a temporary permit. A
163 student shall be designated by title clearly indicating his or
164 her training status.

165 (2) A qualified member of another profession who is
166 licensed and regulated under state law while in the course of
167 rendering services within the scope of his or her license,
168 provided that the individual does not represent himself or



169 herself as a massage therapist.

170 (3) An individual providing massages to his or her
171 immediate family.

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

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

188 (6) A Native American healer using traditional healing
189 practices. A Native American healer who applies to the board
190 for a massage therapist license shall comply with all
191 licensing requirements.

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

196 (8) The office of a chiropractor, physician, or



197 physical therapist which employs or contracts with a massage
198 therapist who is exempt from an establishment license.

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

205 §34-43A-5. Alabama Massage Therapy Licensing Board.

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

219 (2) All rights, duties, records, property, real or
220 personal, and all other effects existing in the name of the
221 Alabama Board of Massage Therapy, formerly created and
222 functioning pursuant to Chapter 43, or in any other name by
223 which that board has been known, shall continue in the name of
224 the Alabama Massage Therapy Licensing Board. Any reference to



225 the former Alabama Board of Massage Therapy, or any other name
226 by which that board has been known, in any existing law,
227 contract, or other instrument shall constitute a reference to
228 the Alabama Massage Therapy Licensing Board as created in this
229 chapter. All actions of the former Alabama Board of Massage
230 Therapy or the executive director of the former board done
231 prior to June 1, 2024, are approved, ratified, and confirmed.

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

240 (b) (1) The board shall consist of the following nine
241 members:

242 a. Three active licensees appointed by the Governor.

243 b. Two active licensees appointed by the Lieutenant
244 Governor and one at-large member appointed by the Lieutenant
245 Governor.

246 c. Two active licensees appointed by the Speaker of the
247 House of Representatives and one at-large member appointed by
248 the Speaker of the House of Representatives.

249 (2) The seven active massage therapist licensee members
250 of the board shall be appointed so that not more than one
251 active licensee member from each United States Congressional
252 District in the state is appointed to serve at the same time.



253 The two members appointed from the state at large shall have
254 never been licensed as massage therapists nor have had any
255 direct financial interest in the massage therapy profession.
256 One of the at-large members shall have extensive knowledge of
257 sex trafficking and related law enforcement efforts to defeat
258 sex trafficking. The at-large member appointed by the
259 Lieutenant Governor and the at-large member appointed by the
260 Speaker of the House of Representatives shall be appointed
261 from a list of three names each provided by the Minority
262 Leader of the Senate and the Minority Leader of the House of
263 Representatives, respectively. The appointing authorities
264 shall coordinate their appointments to assure the board
265 membership is inclusive and reflects the racial, gender,
266 geographic, urban, rural, and economic diversity of the state.

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

275 (c) Of the initial nine appointees to the board, three
276 members shall be appointed for terms of two years, three
277 members shall be appointed for terms of three years, and three
278 members shall be appointed for terms of four years as
279 determined by lottery. Thereafter, successors shall be
280 appointed for terms of four years, each term expiring on June



281 30.

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

288 (e) The board shall hold its first meeting within 30
289 days after the initial members are appointed. At the first
290 meeting, and annually thereafter in the month of October, the
291 board shall elect a chair and a vice chair from its
292 membership. The board shall hold two biannual meetings for the
293 purpose of reviewing license applications. The board may hold
294 additional meetings at the discretion of the chair and four
295 members of the board. A quorum of the board shall be a
296 majority of the current appointed board members. Upon the
297 written request of any individual, submitted to the board at
298 least 24 hours in advance of a scheduled meeting, the meeting
299 shall be recorded in a manner established by the Secretary of
300 State.

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

305 (g) (1) The board may employ, and at its pleasure
306 discharge, officers and employees as necessary to implement
307 this chapter. The board shall also outline the duties and fix
308 the compensation and expense allowances of each employee of



309 the board.

310 (2) When necessary, the board may retain outside
311 counsel who satisfies the qualifications required of a deputy
312 attorney general.

313 (h) An affirmative vote of a majority of the members of
314 the board shall be required to grant, suspend, or revoke a
315 license to practice massage therapy or a license to operate a
316 massage therapy establishment.

317 (i) The board shall be financed only from income
318 accruing to the board from fees, licenses, other charges and
319 funds collected by the board, and any monies that are
320 appropriated to the board by the Legislature.

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

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

329 (l) Appointees to the board shall take the
330 constitutional oath of office and shall file the oath in the
331 office of the Governor before undertaking any duties as a
332 board member. Upon receiving the oath, the Governor shall
333 issue a certificate of appointment to each appointee.

334 §34-43A-6. Powers and duties of board.

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

336 (1) Qualify applicants to take the licensing



337 examination and issue licenses to successful applicants.

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

341 (3) Create application forms for examination and
342 licensing and assess and collect fees pursuant to this
343 chapter.

344 (4) Maintain a complete record of all massage
345 therapists and annually prepare a roster of the names and
346 addresses of those licensees. A copy of the roster shall be
347 provided to any individual upon request and the payment of a
348 fee established by the board in an amount sufficient to cover
349 the costs of publication and distribution.

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

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

358 (7) Provide a copy of this chapter to all licensees and
359 applicants for a license.

360 (8) By rule, require massage therapists, massage
361 therapy establishments, and massage therapy schools to carry
362 professional and general liability insurance with an "A" rated
363 or better insurance carrier in the amount of at least one
364 million dollars (\$1,000,000). Proof of coverage shall be



365 provided to the board upon request.

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

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

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

372 (2) By rule, establish criteria for certifying massage
373 therapy instructors.

374 (3) Adopt an annual budget and authorize necessary
375 expenditures from fees and other available appropriations. The
376 expenditures of the board may not exceed the revenues of the
377 board in any fiscal year.

378 (4) Adopt a code of ethics.

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

381 (6) Establish a list of approved massage therapy
382 schools.

383 §34-43A-7. License required; sexually-oriented
384 businesses; limitations on advertising or offers of service.

385 (a) No individual may perform the duties of a massage
386 therapist unless he or she holds a valid license issued by the
387 board.

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

391 (c) A massage therapist may not advertise or offer to
392 perform services outside the scope of his or her expertise,



393 experience, and education for any client who is ill or has a
394 physical dysfunction, unless the services are performed in
395 conjunction with a licensed physician, physical therapist, or
396 chiropractor.

397 (d) A massage therapist or massage therapy
398 establishment may not advertise or offer to perform services
399 on any sexually explicit website or online platform that
400 promotes prostitution, sexually explicit services, or human
401 trafficking.

402 §34-43A-8. Application for license; licensing
403 requirements.

404 (a) An individual desiring to be licensed as a massage
405 therapist shall apply to the board on forms provided by the
406 board. Unless licensed pursuant to subsection (b), an
407 applicant for a license shall submit evidence satisfactory to
408 the board that he or she has met all of the following
409 requirements:

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

412 1. One hundred hours of anatomy and physiology,
413 including 35 hours of myology, 15 hours of osteology, 10 hours
414 of circulatory system, and 10 hours of nervous system, with
415 the remaining 30 hours addressing other body systems at the
416 discretion of the massage therapy school.

417 2. Two hundred fifty hours of basic massage therapy,
418 the contradistinctions of massage therapy, and related touch
419 therapy modalities, including a minimum of 50 hours of
420 supervised massage.



421 3. Fifty hours of business, hydrotherapy, first aid,
422 cardiopulmonary resuscitation, professional ethics, and state
423 massage therapy laws.

424 4. Two hundred fifty hours of electives as determined
425 by the massage therapy school.

426 b. The board, by rule, may increase the minimum number
427 of hours of instruction required for a license, not to exceed
428 the number of hours recommended by the National Certification
429 Board for Therapeutic Massage and Bodywork.

430 c. In addition to paragraphs a. and b., to perform
431 therapeutic massage on an animal, a massage therapist shall
432 have also graduated from a nationally approved program and
433 completed at least 100 hours of postgraduate training and
434 education in animal anatomy, pathology, and physiology for the
435 specific type of animal upon which he or she will perform
436 therapeutic massage.

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

440 (3) Completed a criminal history background check as
441 required by the board which spans the lifetime of the
442 applicant.

443 (4) Paid all applicable fees.

444 (b) Notwithstanding the requirements listed in
445 subdivisions (1) and (2) of subsection (a), the board may
446 license an applicant who is licensed or registered to practice
447 massage therapy in another state if the standards of practice
448 or licensing of that state, at the time the applicant was



449 originally licensed or registered, were equal to or stricter
450 than the requirements imposed by this chapter. All applicants
451 may be subject to an initial in-person board hearing
452 determined by the board.

453 (c) Upon receipt of an application, the board shall
454 notify the applicant that his or her application is pending
455 and shall also notify the applicant upon the approval or
456 rejection of his or her application. If an application is
457 rejected, the board shall notify the applicant of the reasons
458 for the rejection.

459 §34-43A-9. Licensing of massage therapy establishments;
460 initial inspection.

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

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

466 (c) A massage therapy establishment shall contract with
467 or employ only licensed massage therapists to perform massage
468 therapy. Every massage therapist shall be registered with the
469 board and one of them shall be designated as the individual
470 who will ensure that the massage therapy establishment
471 complies with state law and all applicable administrative
472 rules.

473 (d) A massage therapy establishment license is not
474 assignable or transferable.

475 (e) If the holder of a massage therapy establishment
476 license moves the location of the massage therapy



477 establishment without changing either the name or ownership of
478 that massage therapy establishment, the board shall waive the
479 new establishment license fee, if documentation set by rule of
480 the board is approved. This subsection shall not change the
481 expiration date of a massage therapy establishment license.

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

486 (2) An applicant for a massage therapy establishment
487 license, who is a massage therapist and has completed a
488 criminal history background check as required by the board
489 within the preceding two years, is exempt from completing the
490 criminal history background check required in subdivision (1).

491 (g) The physical location of a proposed massage therapy
492 establishment shall be subject to an initial inspection by the
493 board before a massage therapy establishment license is
494 granted to the applicant.

495 (h) If the physical location of a massage therapy
496 establishment has been shut down by the board or by local,
497 state, or federal law enforcement, the physical location is
498 permanently prohibited from being licensed or operating as a
499 massage therapy establishment.

500 §34-43A-10. Application forms; issuance of license;
501 display of license.

502 (a) Applications for licensing and renewal of a license
503 shall be on forms provided by the board and shall be
504 accompanied by the applicable fee. A recent two-by-two inch



505 photograph showing a frontal view of the head and shoulders of
506 the applicant, taken no more than six months earlier, shall be
507 submitted with each application. All documents shall be
508 submitted in English.

509 (b) Each applicant for a license shall complete a
510 criminal history background check pursuant to rules adopted by
511 the board. The board may deny the application of any applicant
512 who refuses to complete the criminal history background check
513 as required by the board.

514 (c) The board shall issue a license, on a pre-printed
515 sequentially numbered form, to each individual who qualifies
516 to be a massage therapist and to each qualified applicant for
517 a massage therapy establishment license. To be qualified for a
518 license as a massage therapist the applicant shall
519 successfully pass the applicable examination, pay the
520 appropriate examination fee, complete a criminal history
521 background check pursuant to rules adopted by the board, pay
522 the criminal history background check fee, and pay the license
523 fee. A license grants all professional rights, honors, and
524 privileges relating to the practice of massage therapy.

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

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



533 §34-43A-11. License renewal; reinstatement.

534 (a) Each license shall be renewed biennially, on or
535 before the anniversary date, by forwarding to the board a
536 renewal application accompanied by the renewal fee. Except as
537 provided in Section 34-43A-5(a)(3), any license not renewed
538 biennially on or before the anniversary date shall expire.

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

541 (1) Submit evidence of satisfactory completion of the
542 continuing education requirements pursuant to Section
543 34-43A-19.

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

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

560 (d) Subsequent to an official complaint, the board may



561 request a criminal history background check of the licensee
562 through the district attorney of the circuit in which the
563 licensee is located.

564 §34-43A-12. Alabama Massage Therapy Licensing Board
565 Fund.

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

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

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

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

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

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

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

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

586 (8) Ten dollars (\$10) for a duplicate license
587 certificate or a name change on a license certificate. The
588 board may issue a duplicate certificate for each massage



589 therapy establishment on file with the board where the massage
590 therapist practices massage therapy. The board may issue
591 additional duplicate certificates only after receiving a sworn
592 letter from the massage therapist that an original certificate
593 was lost, stolen, or destroyed. The board shall maintain a
594 record of each duplicate certificate issued.

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

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

613 §34-43A-13. Complaints; grounds for suspension,
614 revocation, etc., of license; penalties; rulemaking authority.

615 (a) Any individual may file with the board a written
616 complaint regarding an allegation of impropriety by a massage



617 therapist, massage therapy establishment, or other individual.
618 Complaints shall be made in the manner prescribed by the
619 board. Complaints received by the board shall be referred to a
620 standing investigative committee consisting of a board member,
621 the board attorney, and the board investigator. If no probable
622 cause is found, the investigative committee may dismiss the
623 charges and prepare a statement, in writing, of the reasons
624 for that decision. If found guilty, the board shall turn all
625 records relating to the investigation over to local law
626 enforcement.

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

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

638 (2) The licensee sold or bartered or offered to sell or
639 barter a license for a massage therapist or a massage therapy
640 establishment.

641 (3) The licensee has engaged in unprofessional conduct
642 that has endangered or is likely to endanger the health,
643 safety, and welfare of the public, as defined by the rules of
644 the board.



645 (4) The licensee has been convicted of a felony or of
646 any crime arising out of or connected with the practice of
647 massage therapy.

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

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

652 (7) The licensee uses controlled substances or
653 habitually and excessively uses alcohol.

654 (8) The licensee engaged in false, deceptive, or
655 misleading advertising.

656 (9) The licensee engaged in or attempted to or offered
657 to engage a client in sexual activity, including, but not
658 limited to, genital contact, within the client-massage
659 therapist relationship.

660 (10) The licensee has knowingly allowed the massage
661 therapy establishment to be used as an overnight sleeping
662 accommodation.

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

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

668 (c) (1) Subsequent to an official complaint, and for
669 other requirements established by this chapter, including for
670 the purpose of determining an applicant's suitability for a
671 license or the renewal of a license to practice massage
672 therapy, the board may request a criminal history background



673 check of the licensee. Each applicant shall submit a complete
674 set of fingerprints and a form, sworn to by the applicant,
675 providing written consent from the applicant for the release
676 of criminal history background check information to the board.

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

683 (3) The results of the state and national criminal
684 history background check records shall be returned to the
685 board by ALEA.

686 (4) The board shall reimburse ALEA for conducting
687 criminal history background checks according to the fee
688 schedule adopted by the Alabama Justice Information
689 Commission.

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



701 than those provided in this chapter may be subject to criminal
702 charges under Sections 41-9-601 and 41-9-602.

703 (d) An individual governed by this chapter, who has a
704 reasonable belief that another massage therapist has violated
705 this chapter, shall inform the board in writing within 30
706 calendar days after the date the individual discovers this
707 activity. Upon finding that an individual has violated this
708 subsection, the board shall alert local law enforcement and
709 may do any of the following:

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

713 b. Suspend or revoke the individual's license to
714 practice massage therapy.

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

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

727 (g) (1) Upon a finding that an individual, who is
728 governed by this chapter, has performed massage therapy



729 without having obtained a license, the board may do any of the
730 following:

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

733 b. Issue a cease and desist order.

734 c. Petition the circuit court of the county where the
735 act occurred to enforce the cease and desist order and collect
736 the assessed fine.

737 (2) Any individual aggrieved by any adverse action of
738 the board may appeal the action to the Circuit Court of
739 Montgomery County.

740 (h) The board shall present any incident of misconduct
741 to the local district attorney for review and appropriate
742 action.

743 (i) The board may adopt rules to implement and
744 administer this section.

745 §34-43A-14. Use of words massage or bodywork or other
746 advertising descriptions by unlicensed individuals.

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

756 §34-43A-15. Criminal penalties.



757 Any individual who violates this chapter shall be
758 guilty of a Class C misdemeanor.

759 §34-43A-16. Injunction; civil penalty.

760 (a) In addition to the criminal penalty prescribed by
761 this chapter, the board may seek an injunction against any
762 individual or establishment in violation of this chapter.

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

767 §34-43A-17. Construction with other regulations.

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

773 (b) This section shall not affect:

774 (1) Local regulations relating to zoning requirements
775 or occupational license taxes pertaining to massage therapists
776 and massage therapy establishments.

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

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



785 §34-43A-18. Massage therapy schools; instructors.

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

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

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

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

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

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

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

810 (2) Submit to the board a completed application as
811 prescribed by the board and the one-time application fee
812 specified in Section 34-43A-12.



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

816 §34-43A-19. Sunset provision; continuing education.

817 (a) The board is subject to the Alabama Sunset Law of
818 1981, and is classified as an enumerated agency pursuant to
819 Section 41-20-3. The board shall automatically terminate on
820 October 1, 2025, and every four years thereafter, unless
821 continued pursuant to the Alabama Sunset Law.

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

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

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